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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 ----- X

4 UNITED STATES OF AMERICA, : 19-CR-286(AMD)

5 Plaintiff, : United States Courthouse

6 -against- : Brooklyn, New York

7 ROBERT SYLVESTER KELLY, : September 23, 2021

8 Defendant. : 9:30 o'clock a.m.

9 ----- X

10 TRANSCRIPT OF TRIAL
11 BEFORE THE HONORABLE ANN M. DONNELLY
12 UNITED STATES DISTRICT JUDGE, and a jury.

13 APPEARANCES:

14 For the Government: JACQUELYN M. KASULIS
15 Acting United States Attorney
16 BY: ELIZABETH GEDDES
17 NADIA SHIHATA
18 MARIA E. CRUZ MELENDEZ
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22 For the Defendant: DEVEREAUX L. CANNICK, ESQ.
23 NICOLE BLANK BECKER, ESQ.
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25 CALVIN HAROLD SCHOLAR, ESQ.

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22 Proceedings recorded by mechanical stenography, transcript
23 produced by computer-aided transcription.

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1 (In open court; outside the presence of the jurors.)

2 THE COURT: We'll get the jury in just a minute.

3 I have all of the parties' submissions on this
4 question of prior inconsistencies.

5 I will say that I think a lot of it is a tempest in
6 a teapot because almost all of these questions, when the
7 witnesses were confronted with them, they acknowledged that
8 the statement was in the report. So I don't know why we're
9 evening debating this because the prior inconsistencies are on
10 the record.

11 Be that as it may, I'll give you a ruling at the
12 next break because I just want to -- I take it there are only
13 four that are at issue?

14 MS. GEDDES: That's correct.

15 THE COURT: But why do you have to have a
16 stipulation if it's on the record already? Every single one
17 of them. Every single statement.

18 The witness has said do you -- I show you this
19 statement and you say what the statement is. And then the
20 witness says, I've read it, and then they either say, I don't
21 remember or I didn't say that. And then you say, But it's on
22 the record, correct, but it's in the report, right?

23 So it's already in the record. I just don't know
24 why -- it was nice to read the transcript again but I don't
25 know why we're having this conversation.

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1 MR. CANNICK: Your Honor, as long as that's the
2 Court's understanding of the law, then that's fine with us.

3 THE COURT: So we're just going to leave it all the
4 way it is? I don't -- I mean, you can object if you want. If
5 you want me to go through each one, I definitely will, but I
6 think it's on the record that that is in the report with
7 almost every single one of those, those issues, and I know
8 there are at least some of which the government was asked to
9 confirm that it was in the report but nobody disputes that
10 that's what the person said.

11 MR. CANNICK: I'm fine with that.

12 THE COURT: All right.

13 MR. CANNICK: I just didn't want to start the
14 argument and be told it's not in the record.

15 THE COURT: All right. You should check, one of the
16 four people should check to make sure but I did go through the
17 transcript last night with each of the ones that you asked
18 about and I'm pretty confident they're all there. If one of
19 you wants to check while we're, while, you know, this part of
20 it is going on, please do that, but I think it's all there.

21 MR. CANNICK: I did it yesterday.

22 THE COURT: Yes.

23 MR. CANNICK: It's there.

24 THE COURT: All right. Well, it was good to have my
25 recollection refreshed.

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1 All right. Shall we get -- anything before we get
2 the jury?

3 MS. GEDDES: We were going to raise, Judge, the
4 letters regarding jury instructions but we can do that after.

5 THE COURT: Oh, you know, I'll just tell you, I
6 forgot to put this on the record, that Mr. Scholar sent me
7 someone else's transcript with respect to the two
8 instructions, the cooperator and the immunity, some other
9 Judge's transcript. I guess you wanted me to say what the
10 Judge said. And then the government sent a proposed
11 instruction.

12 They're not that different so I'm going to adopt the
13 one that actually is all written out for me already. It seems
14 like it's pretty much the same.

15 MR. SCHOLAR: Judge, with respect to the stipulation
16 regarding a fake NYPD report, is that acceptable to the
17 government?

18 MS. SHIHATA: Based on what Your Honor just said,
19 that's another example of where she was confronted with it in
20 the transcript and she said she didn't say that but agreed
21 that it was in the report. So I don't think we're going -- I
22 don't see any reason why we would agree to single that one out
23 when all the other ones are being dealt in the same manner.

24 THE COURT: Well, that's one of the things that
25 struck me because if you look through the cross-examination,

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1 as is the typical case with cross-examinations with witnesses
2 like this, it happens with every single witness and it's just
3 odd to me that there are just a few that are, you know,
4 selected as something that you want a stipulation for.
5 There's no need to stipulate to something that's in the
6 record.

7 Double check that it's there. Make sure that it's
8 there. And if it's not, you know, you can talk to the
9 government about it but as I said, some of these topics seemed
10 of the most marginal significance, whether that person was
11 sweating when they went to the gym or something like that. I
12 mean, you guys try the case, not me, but I think you should
13 take a look and see if that one, like every other single one,
14 is in that form, then, to my eye, there's no need for a
15 stipulation. Maybe I'm wrong but I don't think so because it
16 is weird that you would have this happen with every single
17 witness and then you just pick out this particular one.

18 So make sure that it's not on the record and if it
19 isn't, then we can talk about it.

20 Now we've lost Mr. Cannick.

21 MS. BLANK BECKER: No.

22 THE COURT: Well, he's not here.

23 MR. SCHOLAR: He said he would be okay if we started
24 without him.

25 THE COURT: What is he going to do, walk in through

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1 the middle or come in through the side?

2 MR. SCHOLAR: Yes.

3 THE COURT: So let's get the jury.

4 (Jury enters.)

5 THE COURT: Good morning, everybody.

6 THE JURY: Good morning.

7 THE COURT: I hope you had a restful night. We are
8 ready to continue with the summation by the government.

9 Go ahead, Ms. Geddes.

10 MS. GEDDES: Thank you.

11 Good morning.

12 THE JURY: Good morning.

13 MS. GEDDES: When we ended yesterday, we were
14 speaking about Jerhonda. I'm now going to turn to the
15 racketeering act relating to Jerhonda, Racketeering Act 7,
16 which is the defendant's filming of Jerhonda engaging in
17 sexually explicit conduct when she was a minor.

18 Now, Jerhonda told you how the defendant regularly
19 filmed her engaging in sexual contact, conduct with the
20 defendant while she was just 16 years old. And she told you
21 that this happened over and over again and she told you how he
22 did it, with a Canon video camera as well as an iPhone to
23 report her.

24 You saw in evidence or in evidence there, the
25 defendant had a manual for a Canon video camera. This is

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1 Government Exhibit 409, and this manual was found in the
2 defendant's storage facility, again, supporting what Jerhonda
3 told you.

4 You also saw Government Exhibit 130(b) which are
5 AT&T phone records for the defendant's cellular phone that
6 Jerhonda told you she communicated with the defendant on and
7 that's that phone number ending in 9300 which was saved in
8 Jerhonda's phone as one for Rob. There's also subscriber
9 records in evidence showing that that belonged to the
10 defendant.

11 If you look at 130(b) in evidence, you can see that
12 starting in about August of 2009, so during the period that
13 Jerhonda was with the defendant, he had, his 9300 telephone
14 was connected to an iPhone 3GS and you may recall that Tracey
15 Montenegro who testified, he identified himself as the lead
16 genius from Apple, and he told you that the iPhone 3GS was an
17 iPhone that was capable of recording video.

18 Again, you heard from Phil Fanara with AT&T who told
19 you that these AT&T records can indicate the particular model
20 of phone that a phone number was connected to and he testified
21 that as is shown on the screen here, that beginning in August
22 of 2009, the defendant was, in fact, using that iPhone 3GS.

23 You also know that both the iPhone 3GS and the Canon
24 video camera were manufactured outside of the state of
25 Illinois and that is sufficient to establish that interstate

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1 commerce nexus that is required for the government to prove
2 this particular racketeering act.

3 Again, you heard from Tracey Montenegro from Apple
4 who told you that the Apple iPhone 3GS was manufactured
5 outside of the United States and there's also a stipulation in
6 evidence, Government Exhibit 1006, showing that camcorder,
7 Canon camcorders including the one that there was a manual for
8 in the defendant's storage facility, Government Exhibit 409,
9 that those two were manufactured outside of the state of
10 Illinois. So there's no serious dispute that that third
11 element required to show this particular racketeering act has
12 been established.

13 I want to now turn to the final racketeering act
14 relating to Jerhonda and that's Racketeering Act 6. I've
15 dealt with them a little bit out of order. That was the
16 defendant's use of threats of serious harm or physical
17 restraint to obtain labor or services of Jerhonda and in this
18 case, the labor or services that he obtained was sexual
19 conduct by Jerhonda and this happened in January of 2010.

20 Now, I expect Judge Donnelly will tell you that the
21 government must prove three different elements to establish
22 this racketeering act. The first is that the defendant, in
23 fact, obtained the labor or services of Jerhonda. The second
24 is that the defendant did so through one of the following
25 prohibited means: One, through the threats of serious harm

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1 to, or physical restraint against, Jerhonda or through a
2 scheme, plan or pattern intending to cause Jerhonda to believe
3 that her nonperformance would result in serious harm to or
4 physical restraint against Jerhonda. Then the third element
5 is that the defendant acted knowingly.

6 Now, Jerhonda told you exactly what the defendant
7 did on January 23rd of 2010 that makes him guilty of this
8 offense. She told you that that day, she showed up at his
9 house and as was the custom, she was taken to a room, and at
10 some point, the defendant walked into that room. Jerhonda,
11 however, was texting on her cell phone and didn't hear the
12 defendant enter the room. Because she didn't hear him, she
13 didn't acknowledge him.

14 The defendant was livid. He attacked her. He
15 slapped her. He choked her until she passed out and then he
16 spit on her and told her to put her head down in shame and
17 embarrassment. He reminded her of everything he was capable
18 of doing and had done to her over the past several months that
19 she had been with him. And then what did he do? He directed
20 her to give him oral sex and she told you she did that. Then
21 she used that T-shirt, Government Exhibit 241, to wipe the
22 semen off of her face after he ejaculated on her.

23 Now, Jerhonda violated one of the defendant's
24 cardinal rules, by failing to stand up and greet the defendant
25 when he walked into the room, when he entered a room, and when

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1 she did that, he punished her with violence.

2 Now, having spent the past six months with the
3 defendant and learning all of his rules and enduring other
4 acts of violence, Jerhonda understood exactly what would
5 happen if she went against the defendant's wishes another
6 time. She knew she was going to be subjected to another
7 punishment, more punishment, and under those circumstances and
8 only then did she give him oral sex.

9 That, ladies and gentlemen, is an example of the
10 defendant's use of a pattern intended to cause a person, here
11 Jerhonda, to believe that if she did not perform as he
12 directed her, she would suffer serious harm or physical
13 restraint.

14 Now, Jerhonda has been consistent as to what
15 happened to her on January 23, 2010 from the very first time
16 that she met with the Loggans law firm four days later on
17 January 27, 2010.

18 During our first week of trial, you heard from
19 Courtenay Wilson who is a lawyer who used to work at that law
20 firm.

21 She told you that she met with Jerhonda that day and
22 prepared a new client memorandum based on that meeting. She
23 told you that when she met Jerhonda that day, Jerhonda told
24 her just what she told you in this courtroom. Jerhonda told
25 Courtenay Wilson that on January 23, 2010, four days before

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1 meeting with the lawyer, the defendant choked her and spit on
2 her and that they then had sex and she used her T-shirt to
3 wipe off the semen. That's what Ms. Wilson told you.

4 Now, Jerhonda also told you that the Loggans law
5 firm told her to create a journal recounting the time that she
6 spent with the defendant and she did that and in that journal,
7 she recounted some of her interactions with the defendant. It
8 makes sense that she would have created this journal within a
9 few days of retaining a lawyer since the lawyers are the one
10 who told her to prepare it.

11 Now, it was a while ago, but remember on the second
12 day of trial, Jerhonda's second day of testimony, on redirect
13 examination, I asked her to read from her entries in that
14 journal that she prepared shortly after getting a lawyer or
15 deciding to see a lawyer and for the first time during all of
16 her testimony, she choked up. She broke down. Now, I submit
17 her reaction was memorable. She showed raw emotion after
18 keeping such a brave front throughout both my direct
19 examination of her and the defense's cross-examination of her.

20 Here's what she told you she wrote in that journal
21 entry for January 23, 2010. Now, this is her reading from the
22 journal entry.

23 She says: I went to Rob's house and Rob called me a
24 silly, a silly bitch. Rob slapped me three times. He said if
25 I lie to him again, it's not going to be an open hand next

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1 time. He spit in my face and in my mouth. And he slapped me
2 in my face again for the fourth time. He choked me during an
3 argument. I had sex with him. I had oral sex with him. And
4 I became fed up and went home and confessed.

5 She broke down because it was painful for her to
6 relive what the defendant did to her that day in January of
7 2010 when he used physical force and the threat of more
8 physical force as part of his pattern of coercive conduct to
9 get her to perform oral sex.

10 The government has proven that the defendant
11 committed forced labor of Jerhonda. That's Racketeering Act 6
12 in January of 2010.

13 I want to turn now to Jane. There are four separate
14 racketeering acts involving Jane. Racketeering Acts 8 and 9
15 relate to the defendant's transportation of Jane to
16 California, once in April of 2015 and another time at the end
17 of September of 2015. That September trip is also charged
18 separately in Counts Two through Five so I'll talk about those
19 briefly now too.

20 Racketeering Act 10 relates to the defendant's video
21 recording of Jane while she was just 17 years old and while
22 she was engaged in sexually explicit conduct.

23 Racketeering Act 11 relates to the defendant's use
24 of threats of serious harm and physical restraint to obtain
25 labor or services from Jane, the same racketeering I just

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1 discussed with respect to Jerhonda. In this case, the labor
2 or services that the defendant obtained from Jane was sexual
3 conduct with other females and with Nephew, he testified here
4 as "Alex," and also with Jane starring in the defendant's
5 homemade sex videos.

6 Now, Jane told you that she was an aspiring singer
7 when her parents took her to an outdoor concert headlined by
8 the defendant. At that concert, someone gave her a wristband
9 that allowed her to move into the pit which was situated right
10 in front of the stage. It was while she was in the pit that
11 someone in the defendant's circle slipped Jane the defendant's
12 telephone number.

13 Jane told you that in the following days, her mom
14 called that number pretending to be Jane and told the
15 defendant that Jane was an aspiring singer and wanted to
16 audition. The defendant agreed and soon Jane took over those
17 communications with the defendant and she arranged to meet him
18 at the Dolphin Hotel in Orlando, Florida. But when she got
19 there, the defendant made clear his interest in her was not
20 solely musical. He told her to kiss him and then coerced her
21 to let him give her oral sex.

22 He was 48 years old and she was just 17. He, an
23 accomplished R&B singer. She, a junior in high school with a
24 dream of making it as a singer. The power imbalance was
25 firmly in place from day one and as you learned, the defendant

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1 took full advantage.

2 He gave her oral sex and only after that, did he let
3 her audition. After the audition, they continued to
4 communicate by phone and the defendant proposed to Jane that
5 she travel to see him in other cities. He arranged for her to
6 travel to California to accompany him on some of his tour
7 dates. His then assistant, Cheryl Mack, she testified here,
8 made the travel arrangements.

9 That transportation is the subject of Racketeering
10 Act 8 which is that the defendant caused Jane to travel
11 interstate for the purpose of sexual activity and the sexual
12 activity was illegal. In order to make it a crime, it's got
13 to be for the purpose of illegal sexual activity.

14 Now, there are two alternative ways to, that
15 Racketeering Act 8 is listed in the indictment, but they're
16 very similar and I've already reviewed those particular, the
17 elements of those particular predicates with respect to Sonja
18 and so I won't do it again here but you, of course, will have
19 those instructions when you deliberate.

20 So the first element the government must prove is
21 that the defendant caused Jane's transportation across state
22 lines and there's no serious dispute that this happened.

23 You saw her text, Jane's text messages to the
24 defendant's assistant, then assistant, Cheryl Mack, on
25 April 28th of 2015. This is in Government Exhibit 233(c).

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1 She says: Mr. Kelly said to get me to LA, an early
2 flight. And she gave Cheryl Mack her name and where she was
3 flying from. She also sent Cheryl Mack her true birthday.
4 And then Cheryl Mack responded later that day saying that she
5 was confirmed on an American Airlines flight.

6 You saw her boarding pass on that American Airlines
7 flight that Cheryl Mack arranged for her. That's in
8 Government Exhibit 602. And then you also saw -- I'm sorry.
9 The boarding pass is in 217. And then 602 is a record from
10 American Airlines for that same flight and it shows as
11 highlighted on the screen that Cheryl Mack was the one who
12 made that particular reservation just as Jane told you.

13 Now, you know exactly why the defendant brought Jane
14 to California. To Jane and her parents, the defendant claimed
15 he wanted her to travel for the purpose of fostering her in
16 the music business and you saw the text messages to her mom.
17 You saw the text messages that Jane sent to her mom at the
18 time that this was happening showing you just that.

19 So Jane wrote: He just texted me. He said that --
20 she's now recounting after the trip happened and she said: He
21 told me this wasn't a waste of a trip. He wants me to soak in
22 everything he's been telling me so when I actually go in this
23 industry, I'll have a mature frame already. "This industry"
24 was the music industry.

25 Then in another text about a week later, she talks

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1 about how the defendant wanted her to record her performance
2 because she herself was performing at, on a stage and the
3 defendant purportedly wanted to show it.

4 The defendant was pretending as though he was
5 interested in the success of Jane's musical aspirations, but
6 you know the defendant's true purpose of her traveling to
7 California was to satisfy his sexual desires. Jane told you
8 like so many others she spent her time with the defendant
9 having sex every day, multiple times a day, and she told you
10 like so many others that the defendant directed every aspect
11 of their sexual activity and it was no different when she
12 traveled to California in April of 2015.

13 She told you that she first saw the defendant at a
14 hotel in Los Angeles and while they were sexually active that
15 time, she told you they didn't have sexual intercourse on that
16 particular occasion but she did remember the first time that
17 they had sexual intercourse. She told you that she remembered
18 it as a hotel with a fireplace and that it happened in
19 Stockton, California.

20 You saw from the text messages that are in evidence
21 between Jane and Cheryl Mack that after Jane is in Los Angeles
22 with the defendant, she then arranges for her to fly directly
23 to Stockton so that whole trip to California included multiple
24 cities.

25 Now, of course the other element to this offense is

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1 that the sexual activity was illegal. The sexual activity
2 here was illegal because the defendant engaged in unprotected
3 sexual intercourse with Jane without first telling her that he
4 had contracted an infectious, an incurable sexually
5 transmitted disease or STD -- here, that's genital herpes --
6 and he never obtained her consent to have sexual intercourse
7 under those circumstances.

8 Now, Judge Donnelly will explain to you the
9 particular elements that make it a state law violation,
10 meaning this is how you know that the sexual activity was
11 illegal, but there are four elements that the government needs
12 to prove: One, that the defendant knew he was afflicted with
13 a contagious or infectious or communicable disease; two, that
14 the defendant exposed himself to Jane by engaging in
15 unprotected sexual activity with Jane, here, sexual
16 intercourse; three, the defendant acted willfully; four, that
17 the defendant did not tell Jane that he had this contagious
18 disease and obtained her consent to expose himself in those
19 circumstances.

20 Now, you know that the defendant knew he had an
21 infectious disease.

22 Dr. McGrath, the defendant's personal doctor for
23 decades, told you that he diagnosed the defendant with genital
24 herpes long before 2015 and he told you that he told the
25 defendant that herpes was an incurable sexually transmitted

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1 disease. And you know because Dr. McGrath also prescribed to
2 the defendant Valtrex for years. And you knew that the
3 defendant knew that he could transmit herpes to others.
4 First, you know because Dr. McGrath told him just that. And
5 Dr. McGrath told you that he told the defendant to warn, to
6 inform his sexual partners before engaging in sexual activity.

7 You also know from Dr. Hoskins that herpes is an
8 infectious disease. In fact, she described it as an incurable
9 STD and told you that someone with genital herpes can transmit
10 herpes to another person through unprotected intercourse. She
11 told you there just needed to be direct contact with the area
12 of infection. Here, it's genital herpes.

13 You also know that the defendant exposed Jane to
14 genital herpes because Jane testified that she had sexual
15 intercourse with the defendant in California during the trip
16 that Cheryl Mack arranged and that the defendant never used a
17 condom when engaging in sexual intercourse with her.

18 What Jane told you is supported by so much other
19 evidence. We'll talk more about that as we continue to review
20 the charges related to her, but before I go on, it's important
21 to know that the defendant's exposure of Jane to genital
22 herpes, that incurable STD, that's what makes the sexual
23 activity between the defendant and Jane illegal.

24 The law does not require that Jane actually contract
25 herpes from the defendant and the government has no burden to

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1 show that she did contract it from the defendant but here,
2 Jane did contract herpes and the fact that she did supports
3 that she had unprotected sex with the defendant just as she
4 told you that she did.

5 You know this because Jane's medical records are in
6 evidence as Government Exhibit 909 and also as Defense
7 Exhibit KK. They show that in August of 2015, Jane sought
8 medical treatment for severe pain and that she was then
9 diagnosed by a doctor with genital herpes, but what else is
10 shown in Government Exhibit 909 is that she says that she has
11 had one sexual partner since April of 2015. You know who that
12 partner is. It's the defendant. And you know it was since
13 April 2015 because she told you they started to engage in
14 sexual activity in April of 2015 at the Dolphin Hotel, at the
15 hotel in Los Angeles and then they first had sexual
16 intercourse at the hotel with the fireplace in Stockton,
17 California.

18 Now, Jane's testimony about the defendant's exposure
19 of her to his incurable STD is also supported by the Walgreens
20 records that are in evidence. Those Walgreens records show
21 that Jane picked up a prescription for herpes treatment at the
22 Walgreens and the records show that she used Juice, one of the
23 defendant's other live-in girlfriends, she used Juice's
24 Rewards card at Walgreens to make the purchase.

25 Remember, Jane told you that when she first had that

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1 outbreak of genital herpes, she was in severe pain. She went
2 to a doctor who then prescribed this medication to her and she
3 told you that Juice, just like the records show, took her to a
4 Walgreens to pick up that medication. That's in the
5 transcript at 852.

6 You also know that the defendant acted willfully,
7 another element the government must show. Now, the law does
8 not require the government to show that the defendant
9 intentionally spread herpes. It only requires the government
10 to show that the defendant acted with knowledge of the
11 consequences.

12 Dr. McGrath testified that he told the defendant to
13 warn his sexual partners of his incurable STD and based on
14 that advice, the defendant was on notice of the consequences
15 of not doing so. But you also know that the defendant knew of
16 the consequences because multiple of his prior sexual partners
17 contracted herpes and confronted the defendant about that
18 years before the defendant met Jane and exposed her to that
19 STD.

20 You heard from Kate. She told you that she
21 contracted herpes from the defendant in the early 2000s and as
22 a result, he ended up paying her \$250,000 or he ended up
23 paying \$250,000 and as a condition of that payment, she was to
24 remain silent so that the defendant could continue to use this
25 enterprise, to my right, to facilitate and commit his crimes.

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1 Like many others, Kate did remain silent but the government
2 tracked Kate down, served her with a subpoena and then she
3 disclosed to you how the defendant exposed her to herpes.

4 Jerhonda told you the same thing. She contracted
5 herpes from the defendant and she told the defendant. So the
6 defendant was on notice. He absolutely knew those
7 consequences.

8 The final element is also established here because
9 Jane told you that the defendant had never told her that he
10 had contracted herpes and that she never consented to having
11 unprotected sex with the defendant under those circumstances.
12 Keep in mind, this happened when she was just 17 years old.
13 It's not an element but it's certainly part of this case.

14 The government has proven Racketeering Act 8.

15 Let me now turn to Racketeering Act 9. That relates
16 to the transportation of Jane again to California but this one
17 happened in the end of September, the travel started at the
18 end of September and into October of 2015.

19 Now, there are four parts of Racketeering Act 9.
20 It's charged as 9A, 9B, 9C and 9D, but the elements of each of
21 those are very similar. Generally, they require the
22 government to show that the defendant caused Jane to travel,
23 that it was for the purpose of illegal sexual activity, and it
24 also requires the government to show in this one that at this
25 time, Jane was under 18 and that the defendant did not

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1 reasonably and actually believe that she was younger than 18,
2 meaning the defendant knew she was 17.

3 There's no serious dispute that Jane was under
4 18 years old in September and October of 2015. The birth
5 certificates are in evidence. And as I said earlier, Jane was
6 17. The defendant was 48.

7 (Continued on next page.)

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1 (Continuing.)

2 MS. GEDDES: So, there's also a requirement that the
3 defendant had to be more than three years older. That was
4 accomplished here, in spades.

5 The Government has also proven that by the time of
6 Jane's travel to California in the fall of 2015, the defendant
7 did not reasonably believe that Jane was 18 years old.

8 Now, remember, Jane told you that initially she told
9 the defendant she was 18 when she met him in April of 2015,
10 but that she came clean shortly before she was scheduled to
11 return to Florida for her senior year of high school. And
12 when she told you -- I'm sorry, when she told the defendant
13 that she was 17 and still had to complete her senior year, the
14 defendant was initially mad, but he quickly proposed a
15 solution to her. And the solution did not include let's stop
16 having sex. The solution was that they could remain together,
17 he just told her she would need to be homeschooled. And
18 defendant also told Jane that she would need to prepare some
19 type of letter supporting that a third-party, not him, would
20 serve as her guardian for the period of time until she turned
21 18 years old, which was a couple months later at the end of
22 December of 2015. And he explained why, he said his attorneys
23 would need this paper work.

24 So, Jane convinced her parents to sign paper work
25 indicating that Juice's mother, the defendant's live-in

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1 girlfriend's mother, would serve as her guardian. And you saw
2 the paper work that she -- that they had made. It's in
3 evidence as Government Exhibit 475(a).

4 (Exhibit published.)

5 MS. GEDDES: This is the handwritten letter that
6 Jane, and Jane's -- Jane's name has been redacted, but it did
7 show her first and last name, and you have the original
8 unredacted in evidence, not the original, but you have the
9 unredacted copy of this in evidence. It's dated
10 September 19th, and the individual listed who will serve as
11 the defendant's guardian is Juice's mother. She's identified
12 as Valerie and shown on the board to our right.

13 You also showed -- saw that Government
14 Exhibit 476(a) was a typewritten letter, this one was
15 notarized. Again, showing that Juice's mom would serve as her
16 guardian.

17 Now, these two items, 475(a) and 476(a) on their own
18 confirm that Jane told the defendant her true age by December
19 of 2015. After all, the only reason to obtain a guardian
20 letter was because Jane was 17, she was under 18. And you saw
21 that the guardianship ends on December 30th, 2015, that's the
22 day Jane turned 18 years old. But what's particularly
23 significant here is that the guardian's name is no one else
24 but Juice's mother. And remember, Jane told you that she did
25 not have any connection to Juice's mom other than through the

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1 defendant.

2 And there on the screen is a photograph of Juice's
3 mom, as well as the birth certificate, which is in evidence
4 for Juice, which you have the unredacted version in evidence,
5 and you will see that Juice's mom is listed as the very same
6 individual whose first, middle and last name is included in
7 475 and 476(a).

8 (Exhibit published.)

9 MS. GEDDES: So, once Jane had obtained the paper
10 work, 475(a) and 476(a), as the defendant told her to do, she
11 returned to the defendant in Chicago. And you see her travel
12 from Orlando to Chicago, that's Government Exhibit 621, and
13 also Jane told you that that's what she did.

14 Once in Chicago Jane joined the defendant on his
15 road trip to various tour dates. Now, Jane traveled with the
16 defendant on multiple tours. And, frankly, she lost track of
17 where she was and where she went on a particular day, but you
18 know exactly what Jane did because Suzette and Alesiette
19 Mayweather told you what they did at the end of September.
20 They told you that they attended an R. Kelly concert right
21 here in Brooklyn at the Barclays Center on September 25th of
22 2015.

23 Alesiette Mayweather told you that she then traveled
24 in the defendant's Sprinter with Jane to D.C. She then
25 returns to Los Angeles and Suzette Mayweather takes her place

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1 in D.C. and travels back up to New York on the 27th and 28th,
2 such that they're able to attend a listening party Jungle City
3 Studios in Manhattan on December 28th. And Suzette Mayweather
4 told you that after going to that listening party at the
5 studio in Manhattan, they traveled across the country to
6 Oakland, California in a caravan with the tour bus, with the
7 Sprinters, with the defendant, Jane, Suzette Mayweather and
8 everyone else who was traveling with the defendant's
9 entourage.

10 And in evidence are the Jungle City Studio records
11 showing that the defendant, in fact, had this listening party
12 on September 27th and 28th of 2015. That's in evidence as
13 Government Exhibit 925.

14 (Exhibit published.)

15 MS. GEDDES: Now, you also have phone records for
16 two cellular telephones used by the defendant and one used by
17 Jane that supports that they all traveled together in a
18 caravan from Manhattan to California.

19 Now, Jane's phone was serviced by someone other than
20 AT&T, but sometimes, and you recall from the AT&T witness who
21 testified, AT&T has records for the time that a phone is
22 roaming on AT&T's network. So, they're limited, but they
23 exist.

24 And so, you can show -- you can see in Government
25 Exhibit 159(e) plots the defendant's two cell phones. And

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1 I'll talk in a minute how you know those are the defendant's
2 two cell phones, but it plots the defendant's two cell phones
3 as they travel from Manhattan -- New York, New York -- all the
4 way to Oakland, California. Beginning on September 29th,
5 right after the listening party on the 28th, and continuing to
6 October 3rd of 2015.

7 And you can see in that smaller slide, 159(e),
8 actually shows the defendant's phones leaving the island of
9 Manhattan, going over the waters that surround Manhattan, and
10 into New Jersey.

11 (Exhibit published.)

12 MS. GEDDES: So, just briefly I want to tell you how
13 you know that these phones belong to the defendant and to the
14 phone that belongs to Jane.

15 So, the 0880, and I am just going to use the last
16 four, the 0880 telephone and the 7283 both belong to the
17 defendant. And you can see that there are multiple contacts
18 in evidence showing that those two phones belong to the
19 defendant.

20 (Exhibit published.)

21 MS. GEDDES: On the right, the two in blue were
22 phone numbers that Alexis told you she had saved for the
23 defendant.

24 On the top left is a phone number that Alesiette
25 Mayweather had saved for the defendant, saying the 0880, 7283.

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1 And then on the bottom left is a phone number that
2 Faith had saved for the defendant.

3 So, you know that those are the two, at least two
4 phones that the defendant was using.

5 And you know that the phone number ending in 4738
6 and the 407 area code, that was one used by Jane at that time
7 because you saw, and I'll speak about it in a moment, you saw
8 those text messages with her friends Malak, who you could see
9 that same phone number saved at the top because that was the
10 telephone number that Malak used to communicate with Jane in
11 October of 2015. We'll talk about that in a minute.

12 In addition to what I just showed you that showed
13 the defendant's travel across the country, you also see that
14 Jane -- that these phone records support that Jane was
15 traveling with him. And, again, I told you that Jane did not
16 have a phone subscribed to by AT&T, and so the cell phone data
17 location -- the cell phone location data is very limited for
18 Jane's phone, but there are, at least, two examples where you
19 can see that Jane's phone was exactly where the defendant's
20 phone was at that time period.

21 Starting with Government Exhibit 159(d), it shows,
22 and that's the one on top, it shows that Jane's phone, which
23 is shown in yellow, was in Pennsylvania; and then you see the
24 corresponding data showing the location of the defendant also
25 in that same area. And, again, these are at slightly

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1 different times because they're traveling in a caravan, but
2 they support that they were all traveling together.

3 On the bottom it shows the three, it shows Jane's
4 phone right around the defendant's two phones in Nebraska.
5 Again, showing that they were traveling in a caravan together.

6 (Exhibit published.)

7 MS. GEDDES: And finally, Government Exhibit 159(c)
8 shows when the defendant arrived in Oakland, because Suzette
9 Mayweather told you they traveled from Manhattan to Oakland,
10 California, and you see here that the defendant's phone was,
11 in fact, hitting off of cell towers in Oakland.

12 You also know that Jane was on that trip because
13 there's lots of evidence showing that at the end of the trip
14 Jane was, in fact, in California as Suzette Mayweather told
15 you.

16 You saw hotel records showing that Jane was staying
17 at a hotel in California, that was Government Exhibit 622.
18 You also show -- saw Government Exhibit 961, which were GPS
19 location data for a phone that Jane was using, and this was --
20 there was some evidence about a -- an HP computer that Jane
21 had. And on that computer, one of the agents testified that a
22 phone was synched up to that computer and was able to extract
23 certain images that had been synched back up to that computer.
24 And those images show that on October 3rd, 2015, just as
25 Suzette Mayweather told you they arrived in Oakland, there

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1 were photographs of Jane and the GPS coordinates for those
2 photographs show her as being in Oakland, California. And
3 there is the summary chart of that shown in Government Exhibit
4 961.

5 And all of this makes sense because the defendant
6 played at a venue in Oakland, California in early October.
7 And that's in evidence as Government Exhibit 934(a).

8 So, the Government has proven that the defendant
9 caused Jane to be transported from New York City to Oakland --
10 I'm sorry, this was -- these are the records I was just
11 referring to, 961, showing the GPS coordinates; as well as the
12 934 showing that the defendant performed in Oakland; and the
13 hotel shown in 622 where Jane was staying.

14 (Exhibit published.)

15 MS. GEDDES: Finally, you know why the defendant
16 brought Jane to California. He brought her there for the
17 purpose of sex. And you know that because that's what Jane
18 told you happened, they had sex nearly every day.

19 But you also know because you saw Jane's text
20 messages with her friend Malak. I mentioned these earlier,
21 and yesterday as well, and you'll recall that Jane told her
22 friend that the defendant had ejaculated inside of her. She
23 said, you know: He nutted in me. And she told you what she
24 meant by he nutted in mean, meaning that he ejaculated in her.

25 (Exhibit published.)

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4399

1 MS. GEDDES: And you also saw in these text messages
2 that Jane feared that she was pregnant. She believed she was
3 pregnant as a result of the defendant ejaculating inside of
4 her after they had unprotected sex.

5 Now, Jane wasn't actually pregnant, but it makes
6 sense that she believed she was pregnant because she was
7 having sex with the defendant without any form of
8 contraception and he was ejaculating inside of her at that
9 time.

10 It also makes sense that she thought she was
11 pregnant in early October, 2015 because you saw her medical
12 records. Again, back to Government Exhibit 909.

13 (Exhibit published.)

14 MS. GEDDES: And it showed in those records, which
15 were just from a few months earlier, that she last had her
16 menstrual cycle on June -- I'm sorry -- July 29th of 2015 and
17 that her cycle was 28 to 30 days.

18 And if you do the math, you'll see that based on
19 that, Jane would have expected her menstrual cycle to begin
20 again between September 23rd and September 27th, depending on
21 the 28 to 30-day range. And so, if she hadn't gotten her
22 period by October 5th, which is when she was sending those
23 text messages to her friend, her fears of being pregnant seem
24 well justified.

25 The Government has proven Racketeering Act 9 showing

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4400

1 that the defendant caused her to be transported, this time in
2 a Sprinter, in a caravan, to California for the purpose of
3 illegal sexual activity. And here the sexual activity was
4 illegal because she was just 17 years old; and in California,
5 a 17-year old cannot legally consent to sexual conduct.

6 Now, let me briefly mention Counts Two through Five,
7 which I said relate to Racketeering Act 9. It's the same
8 conduct that's charged in those four counts as are charged in
9 the four sub-predicates of 9, 9(a), (b), (c) and (d).

10 Now, to prove those counts the Government just needs
11 to prove that the defendant committed the very conduct in
12 those Racketeering Acts. And I've already explained to you
13 how you know that the Government has proven that. But we also
14 have to prove that part of that conduct happened here in the
15 Eastern District of New York. This is just for the
16 substantive counts, not the Racketeering Acts. And a few
17 minutes ago I explained to you how Suzette Mayweather told you
18 that they traveled in that caravan from Manhattan to Oakland,
19 and you saw that cell phone location data supporting just what
20 she told you. And you also know, of course, in her testimony
21 that Manhattan is an island, and to get out of the island of
22 Manhattan you have to go over the waters. And the waters
23 surrounding Manhattan are within the Eastern District of
24 New York. And so, you know that part of the conduct in Counts
25 Two through Five, that travel, happened right here in the

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1 Eastern District of New York. And, therefore, the Government
2 has also proven Counts Two through Five.

3 Let me turn now to Racketeering Act 10 that relates
4 to the defendant's video recording of Jane engaging in
5 sexual -- sexually explicit conduct when she was just 17 years
6 old. I reviewed these elements when I talked about Jerhonda,
7 as well as with respect to Stephanie, the same element applies
8 here and I won't go through it again.

9 Jane told you that from the beginning of her time
10 with the defendant, the defendant filmed her engaging in
11 sexual activity with him. She also told you that he filmed
12 her engaging in sexual activity with other women, and even
13 men. We'll talk more about that in a moment. And she told
14 you that he used iPads to record it. And she told you that
15 during those sexual encounters, the defendant would direct
16 each of those actions. She told you that he would remove an
17 iPad from the backpack. He would prop it up on something so
18 it was facing them and they could see it, and he would then
19 record sexual activity.

20 And she told you -- well, before I get to that,
21 you've heard very similar testimony before from Jerhonda,
22 Faith, Anna, Louis, Alex. All of them told you about how the
23 defendant recorded them engaged in sexual activity. And with
24 the exception of Jerhonda, who was with the defendant before
25 iPads were all around, but all of those others talked to you

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1 about how the defendant recorded them using iPads. And there
2 is a stipulation in evidence, Government Exhibit 1013, which
3 is that the -- from the defendant's residence there were iPads
4 that were recovered. And on one of those iPads there were
5 video recordings of sexually explicit conduct with many of the
6 individuals that I have talked about with Anna, with Jane,
7 with Alex, who testified as Nephew. So, all of that, there's
8 a stipulation about all of that sexually explicit conduct that
9 was on video.

10 Now, to be clear, the video on that iPad that I've
11 just referenced was after Jane turned 18; and so, that is not
12 the subject of this Racketeering Act, which only applies to
13 video recordings from when Jane was still 17. But they do
14 support, like many have told you, that the defendant liked to
15 film others engaged in sexual activity and would often go back
16 to those recordings for his sexual gratification.

17 Now, Jane told you that the defendant started to
18 make recordings of her engaged in sexually explicit conduct
19 when she was just 17 years old. And so, you know, based on
20 her testimony and how it's supported by all of the other
21 evidence, that the defendant, in fact, created video
22 recordings using that iPad when she was 17. That's the
23 creation of child pornography that he's charged with, and
24 there's no serious dispute about that.

25 Final element, the interstate commerce one, because

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1 you heard that he used iPads to do it and Tracy Montenegro,
2 and you've seen records showing that iPads were manufactured
3 outside of the state of Illinois. In fact, they were outside
4 of the United States. And so, you know that those iPads
5 necessarily traveled in interstate commerce.

6 So, the Government has proven Racketeering Act 10,
7 which is the sexual exploitation of a child.

8 Let me now turn to Racketeering Act 11, the forced
9 labor predicate with respect to Jane.

10 Now, I reviewed the elements of this when I talked
11 to you about it regarding Jerhonda. You have now heard from
12 many, many witnesses who told you about the elaborate lengths
13 the defendant went to to obtain and maintain total control
14 over them. The defendant's control of Jane was particularly
15 stark because the defendant started to indoctrinate her when
16 she was just 17, vulnerable and wholly impressionable. The
17 defendant did what he -- what she -- what he could do to mold
18 Jane to fit every one of his desires, and for many years it
19 worked.

20 You heard the Government's last witness, Dr. Dawn
21 Hughes, describe a number of techniques used by predators to
22 control victims. She called them techniques of coercive
23 control. And you heard over the past six weeks that the
24 defendant used almost every last one of them. Let's take a
25 look at that predator handbook from which the defendant

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1 borrowed heavily. As I'll discuss over the next few minutes,
2 the defendant used intimidation -- indoctrination, isolation,
3 intimidation, surveillance, economic abuse, and shame and
4 humiliation, all of which Dr. Hughes testified about.

5 Now, Racketeering Act 11 relates to just Jane and
6 not his other girlfriends, but the defendant's use of similar
7 tactics with his other girlfriends demonstrates the pattern of
8 conduct by the defendant. And his use of those tactics often
9 in front of others, like Jane, helped to re-enforce that
10 control that he exerted on all of them.

11 I am going to talk first about Technique Number 1,
12 indoctrination. Now, Dr. Hughes told you that indoctrination
13 was a strategy, a tactic, to make someone believe what you
14 believe, what the defendant believed. She described it as you
15 do -- you have to do what I say, you have to believe what I
16 say. The defendant wanted Jane to abide by all of his rules,
17 and that is a form of indoctrination.

18 Now, the defendant's indoctrination of Jane started
19 immediately, but it was gradual. During her first trip to
20 California in April of 2015 when she was still just 17, the
21 defendant started to teach Jane the rules. And I showed you
22 that text earlier where he told her to *soak it up*. He started
23 to change her clothing, telling her to wear loose, baggy
24 clothing that didn't reveal her figure. He instructed her to
25 stay in the room, in the hotel room where she was. And you

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4405

1 know this because she told you and you saw contemporaneous
2 text messages that she wrote describing precisely what he had
3 told her to do.

4 And these are shown on the screen right now,
5 Government Exhibit 233(d).

6 (Exhibit published.)

7 MS. GEDDES: This is a text message sent on
8 April 29th. The first day she is in California with the
9 defendant she writes: Be talking bout rules.

10 Those are the defendant's rules.

11 She then writes: "But he got me in sweats. He
12 ain't like my tights showing my figure."

13 And then a couple days later on May 3rd, she writes:
14 "Everyone having fun and Kelz said 'do not leave that room.'"

15 Kelz is the defendant.

16 You also saw that Jane literally took notes on how
17 the defendant wanted her to act.

18 Government Exhibit 325 was an electronic note that
19 was found in a cell phone, and I am not going to read the
20 whole thing, but let me read one part. This is what Jane
21 wrote recording the defendant's rules:

22 "Trust daddy, do whatever he says, whenever he says,
23 with no rebuttal, disrespect or rebellion."

24 He goes on:

25 "Remember how I acted in the beginning, bubbly and

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1 like a child, pure and with no negative intentions and
2 remember to stay true to who I am ... humble, happy, innocent
3 and beautiful to daddy ... reminding him of his mother and a
4 child."

5 (Exhibit published.)

6 MS. GEDDES: You also saw Government Exhibit 331,
7 and you will have all of these in evidence with you.

8 (Exhibit published.)

9 MS. GEDDES: Again, I am not going to read the whole
10 thing, but I want to read you the last one. It says:

11 "Stop defending myself!!! Anything daddy says is to
12 help me, thank him and be happy and fix the problem! "

13 *Daddy*, again, the defendant.

14 Now, I showed those notes, the ones shown in 325 and
15 331, to Jane during her direct examination, but she did not
16 provide these to the Government. The Government recovered
17 this when they did a search of the defendant's residence in
18 July of 2019 and found these in the defendant's residence.

19 The defendant also told Jane that anything other
20 than what he wanted was deemed prideful, extra.

21 Again, indoctrination. The defendant's way, in his
22 world, is the right way and the only way.

23 And you saw in Jane's letter that for a period of
24 time, Jane started to buy it. His coercive tactics were in
25 full gear.

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1 I want to show you Government Exhibit 311.

2 (Exhibit published.)

3 MS. GEDDES: This is a text message -- I'm sorry,
4 this was a handwritten letter that was found in the
5 defendant's residence, and you will have it in evidence. It's
6 in yellow type and can be difficult to read, but I want to
7 read just two portions from it. This is Jane writing it. She
8 identified this as something that she wrote.

9 "I know lately I have been forgetful of the
10 protocols and rules you have. I know I've been -- I know that
11 I'm 19, but I've been around you for nearly three years and I
12 am truly ashamed that I am not like Juice or nowhere near."

13 And Juice, you know, is one of the defendant's
14 live-in girlfriends. There are phone records in evidence
15 showing that Juice has been calling the defendant since she
16 was 17 years old. And now, fast forward to when Jane is 19
17 years old, Juice had been with the defendant for many years.
18 Juice had been indoctrinated by the defendant for many years.
19 Juice was where the defendant wanted Jane to be.

20 She continues in this letter and she says:

21 "God knows, I hate myself. I am truly sorry for
22 putting you through unnecessary headaches. I am sorry for not
23 being the image I am supposed to be," supposed to be according
24 to the defendant.

25 She goes on: "I know I have been all over the place

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4408

1 messing up in multiple places, not following instructions,
2 being goofy, being extra, being careless."

3 She is 19 years old. She is a teenager.

4 You also saw the defendant's own words in a text
5 message. This is captured in Government Exhibit 481.

6 (Exhibit published.)

7 MS. GEDDES: And it's a text message to Jane. He
8 writes -- and, again, this is the 7283 phone number. You know
9 it's him because there were -- I told you earlier there are
10 many people who saved that number as a contact for him.

11 He writes: "To Jane, I knew you were young, but
12 that is not an excuse to disobey me or not do what I tell you
13 to do."

14 He gets to decide in his world.

15 Then he goes on: "Because I want to groom you."

16 Those are the defendant's words: "I want to groom
17 you."

18 Jane also told you that the defendant made her write
19 frequent and lengthy apology letters. That was just another
20 way that he tried to indoctrinate her. When she had her
21 phone, she could text the defendant the apologies; when he had
22 taken her phone, she would have to handwrite apologies she
23 told you.

24 And you saw Government Exhibits 457 to 460, which
25 were examples of apology letters. And Jane told you those are

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1 examples of letters that the defendant deemed were not up to
2 par, and so she had to continue to write them.

3 That's in evidence, in the transcript at 106.

4 You also saw apology letters written by others, like
5 Dominique and Joy. That's in evidence as Government Exhibits
6 308 and 310.

7 (Exhibit published.)

8 MS. GEDDES: And, again, you will have -- you have
9 these, and you will actually see these letters and you can
10 take a look in it. But these are Joy on the right, that's in
11 Government Exhibit 310, and Dominique in 308, apologizing to
12 the defendant.

13 Another part of the pattern of coercion that the
14 defendant used was isolation. The defendant limited Jane's
15 communications with her parents and her close friends. He had
16 her delete social media and an e-mail account. And backing up
17 here at the transcript at 857, he talked about or she told you
18 about when she was with him, he told her that she wasn't to
19 have any social media.

20 And you also see in Government Exhibit 324, Jane
21 wrote a letter to the defendant and she said: "I just don't
22 want to delete my entire e-mail account."

23 Because in the defendant's eyes, apparently, using
24 e-mail was too much. He was trying to isolate her and so many
25 others.

Summation - Geddes

4410

1 (Exhibit published.)

2 MS. GEDDES: You also heard from several witnesses,
3 including Jane, that the defendant did not allow women and
4 girls in his life to have personal communication with each
5 other or with his assistants. And by imposing that rule,
6 Dr. Hughes explained to you, and you know from your common
7 sense, the defendant was further isolating Jane and the
8 others, making it less likely that they would have the
9 strength to walk away from the defendant or the strength to
10 even just say no to the defendant or one of his rules.

11 Jane also told you that the defendant would take
12 away her cell phone for stretches of time. Along those lines,
13 you saw examples of this isolation in some of the letters that
14 are in evidence that Dominique wrote. And these were found in
15 the defendant's storage facility.

16 Government Exhibit 420. Dominique says: "How do we
17 gain trust if I cannot use the phone my father bought me?"

18 447: Dominique asks: "Can I spend time with my
19 little brother and mum before we leave? I do not have a
20 phone, so I know I cannot go out to meet them."

21 Government Exhibit 452, also in evidence, she
22 writes: "I was wrong for asking my mum to pick me up from the
23 place you work and sleep. The fact that you gave me cab fare
24 and permission to visit her," and then she stops.

25 (Exhibit published.)

Summation - Geddes

4411

1 MS. GEDDES: Permission to visit your mom. The
2 defendant controlled that Dominique can see her mom? In the
3 defendant's world, yes, because that's part of his isolation,
4 part of his coercive tactics that the defendant used.

5 You also heard from Alesiette and Suzette Mayweather
6 how the defendant reacted when he believed that Suzette
7 Mayweather and Dominique had had a personal discussion. In
8 fact, Suzette Mayweather was so scared of what the defendant
9 was going to do, she lied. She said: It was me. I was the
10 one who brought it up, not Dominique.

11 They also both told you that Suzette and Alesiette
12 Mayweather -- I'm sorry, that the defendant confronted Suzette
13 Mayweather after Alesiette Mayweather had the audacity to give
14 Dominique a cell phone. Dominique, a grown woman, a cell
15 phone.

16 And you know that he confronts her, the defendant
17 confronted Suzette Mayweather about the fact that Dominique
18 had been given a cell phone because the defendant did not want
19 her to have a cell phone. It's just another means of control.

20 Technique Number 3, intimidation. During this trial
21 you have learned that the defendant used physical abuse and
22 the threats of physical abuse and physical restraint, the
23 threat of physical restraint, to control Jane. I am going to
24 start by discussing physical abuse.

25 Jane told you that the defendant spanked her as a

Summation - Geddes

4412

1 form of punishment. And the defendant was imposing those
2 punishments, those spankings, every two -- on a regular basis.
3 She told you it was every two to three days. Sometimes it was
4 so hard it would make her skin tear, she told you. And what
5 she told you was backed up by so much other evidence. You saw
6 letters where she commented that she -- handwritten letters
7 which she wrote to the defendant were found in the defendant's
8 stuff -- again, not provided by Jane -- where Jane wrote that
9 she was getting chastised nearly every day.

10 Another where she seemed almost resigned to her
11 fate, saying she would accept her chastisements, spankings.
12 That's in evidence as 457 and 459.

13 And, again, these were not -- she testified about
14 them, but she didn't give them to the Government. The
15 Government found them without her from the defendant's stuff.
16 Those were in the defendant's storage facility.

17 You also heard testimony from Anna. She told you
18 the defendant did the same thing to her. She told you that
19 the defendant also spanked her as punishment.

20 And finally, Jane and Anna's testimony about the
21 defendant's spanking is supported by Government
22 Exhibit 329(a). Now, Jane told you that on some occasions
23 after the defendant chastised her or spanked her, he would
24 use, the defendant would use his iPad to record Jane, this is
25 Jane's testimony, walking back and forth and having her call

Summation - Geddes

4413

1 herself stupid and dumb.

2 Can we now present this to the jury only, just for
3 this portion of the presentation?

4 Thank you.

5 (Exhibit published to the jury only.)

6 MS. GEDDES: You also saw a video where the
7 defendant made Anna do exactly the same thing that Jane told
8 you about, and I am not going to play the videos for you
9 again, but you will have them in evidence.

10 Remember, this is the video -- this is a screenshot
11 from the video that the Government played in court at the end
12 of last week, the one where the defendant instructed Anna to
13 take off her clothes and ominously tells her: Four licks.
14 And you know what he meant, four spankings. You know it
15 because you saw him do it.

16 On the video you saw the defendant spank Anna four
17 times, and you saw the absolute anguish on Anna's face as he
18 spanked her. And once the defendant finished spanking her, he
19 told her, she was naked at the time remember, to walk back and
20 forth, back and forth, and call herself "stupid bitch," and
21 other degrading terms. And that is exactly what Jane told you
22 the defendant would do to her.

23 There was more. The defendant also confined Jane as
24 a form of punishment. And Jane testified that the defendant
25 sometimes directed her to stay in a room until he determined

1 that she had sufficiently apologized for whatever perceived
2 transgression she had committed.

3 And, again, Jane's testimony is backed up by the
4 other evidence in this case. You saw her text messages from
5 December of 2015 to one of her best friends, Mia. Remember,
6 Jane talked about her best friends Mia and Malak. And you
7 heard from Malak and you also saw text messages between Jane --
8 it was from Jane to her friend Mia.

9 Now, again, Jane testified about these text
10 messages, but she didn't provide them to the Government. The
11 Government executed -- got a search warrant on Mia's iCloud,
12 Special Agent Chabot testified about this, and this was an
13 image that was found on Mia's iCloud. And in it, and you have
14 to read from the bottom up, Jane writes:

15 "I just felt to rebel, so I did. And then I was,
16 like, can I take a shower? Can I take a shower? And he" --
17 he is the defendant -- "he was like, no. You're gonna stay in
18 the room until you tell me why."

19 And then she continues: "First of all, I never had
20 an attitude. You always think someone's mad. And then I kept
21 calling and texting him over and over and he was, like, no,
22 you text me why you had an attitude first."

23 This is in evidence at Government Exhibit 935(b),
24 and you know what she was telling you, the defendant accused
25 her of having an attitude, told her to stay in a room. She

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1 asked to do something as extreme as taking a shower and he
2 said no. The defendant controlled it.

3 And you can see that these text messages were sent
4 on December 28th, and you can see that the screenshot is dated
5 from the 29th, but in the text she's referring to yesterday
6 or, I'm sorry, in the dates shown on the texts you can see
7 that they were sent yesterday. So, you know it's December 28th
8 at approximately 10:45 p.m. That's how they are on Mia's
9 phone; perhaps -- Jane, we know at the time was in Chicago, so
10 that would have been 9:45 Central.

11 And Jane told you that the defendant would punish
12 her, having her confined into a room, that she'd have to stay
13 there until she sufficiently apologized.

14 But you also know about this particular incident,
15 the one at the end of December of 2015, because Alesiette
16 Mayweather sent text messages describing that Jane was
17 confined to the room.

18

19 (Continued on the following page.)

20

21

22

23

24

25

Summation - Geddes

4416

1 MS. GEDDES: Her text messages captured it
2 succinctly. This is in evidence as Government Exhibit 240C.

3 December 28th, she writes: Niece has been confined
4 to the room just like Jane. Remember, Alesiette Mayweather
5 said that they referred to Jane as Niece. She continues and
6 says, yes, actually she's been confined since yesterday around
7 8 p.m.

8 Alesiette Mayweather also told you that the
9 defendant had Mayweather, Alesiette Mayweather and others stay
10 on the bus, that tour bus or in the studio where Jane was
11 confined. And you saw text messages from Alesiette, Alesiette
12 Mayweather about at least two of those occasions, so this is
13 separate from the December 2015 incident where Jane was
14 confined to her room in the studio. You saw a text messages
15 about one on Mother's Day weekend of 2015 and another just a
16 week later.

17 Alesiette Mayweather's text messages show that the
18 defendant confined Jane between at least Sunday, May 8th,
19 that's Mother's Day of 2015, until at least Tuesday, May 10th
20 and it could have continued after that, we just don't have
21 contemporaneous text messages showing.

22 This is in evidence as Government Exhibit 240F.
23 Alesiette Mayweather writes on May 10th: N is still on the
24 bus since Saturday. N is Niece, Jane. Then she writes no, I
25 stayed with her on Sunday night from around 9:30 p.m. to

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4417

1 9:30 a.m. she was in the back, and continuing she says, he
2 just left the bus. She's still there, she being Jane,
3 something is strange.

4 And a week later on May 16th the defendant confined
5 Jane again. And again you know about this from those text
6 messages sent by Alesiette Mayweather.

7 She told you that when she arrived, Alesiette
8 Mayweather arrived after taking a redeye from California to
9 Chicago, she arrived at 7 a.m. on May 16th. She told you that
10 she took Diana's place. Diana Copeland, right there on the --
11 as part of the defendant's enterprise, the defendant's very
12 loyal executive assistant.

13 Alesiette Mayweather says, I relieved Diana from the
14 tour bus so she could leave. Alesiette told you that she
15 stayed on that tour bus for a couple of hours until Juice --
16 remember, Juice has been with the defendant for years at this
17 point, until Juice arrived to replace her. And at about
18 6 p.m. that day, according to the text messages and Alesiette
19 Mayweather's testimony, she received a text from Juice that
20 she could come to the bus and pick Jane up. And again, in the
21 text messages you see all of that written out.

22 And perhaps one of the most telling text messages is
23 what she writes in line 4358 on May 17th, something is really
24 strange about the treatment and the behavior of the little
25 one. The little one was Jane. And she writes, at the time

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4418

1 that this happening, the punishment is real.

2 In addition to spanking and confinement, the
3 defendant also physically attacks Jane. Jane told you about a
4 time where the defendant confronted her about a conversation
5 that she had had with her best friend Mia. He believed that
6 Jane had told Mia about her relationship and told Mia that she
7 was having sex with the defendant, that it was an intimate
8 relationship, and the defendant had seen that as a violation.
9 She had told her best friend that she was involved with the
10 defendant.

11 And when confronted, Jane told you that she said to
12 the defendant, no, I haven't said anything to Mia, and she
13 wasn't telling him the truth and he didn't believe her. And
14 after she denied it, he attacked her. And she told you that
15 he used an Air Force 1 shoe to hit her until, in her words,
16 she finally broke and confessed that she had spoken to her
17 close friend Mia about the defendant.

18 Now Jane didn't remember exactly when that happened,
19 but you know when it happened because she told you that the
20 whole incident began after the defendant received a text
21 message from Devyne, Devyne Stevens, and that text message
22 said Jane's true name and was followed by a rat emoji. And
23 you saw that text message, it's in evidence as Government
24 Exhibit 255B and it was sent in August of 2015.

25 So you know that the defendant attacked Jane with an

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1 Air Force 1 shoe until she broke when she was 17 years old.

2 THE COURT: Ms. Geddes, sorry to break in here. I
3 think now might be a good time for our break.

4 So, Jurors, I'm just going to excuse you for a few
5 minutes to stretch your legs and things like that, and please
6 don't talk about the case. We'll see you in a few minutes.

7 THE COURTROOM DEPUTY: All rise.

8 (Jury exits courtroom.)

9 THE COURT: Everybody can sit down. We will be in
10 recess for just a few minutes. I just want to say that I did
11 get Mr. Scholar's letter about circumstantial evidence. I
12 didn't line them up, I think that's the instruction I'm
13 giving.

14 MR. SCHOLAR: I wasn't clear this morning because
15 when you say I gave you a portion of a transcript.

16 THE COURT: No, that was you gave me the transcript
17 on the question of cooperators.

18 MR. SCHOLAR: Oh, I did that.

19 THE COURT: Yes, you did. It was fine. It just had
20 different circumstances. That's why. Seeing you had to waste
21 your time writing a letter.

22 MR. SCHOLAR: That's fine, I wasn't doing anything
23 else.

24 THE COURT: See you in a few minutes.

25 (Recess.)

Summation - Geddes

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1 (In open court; jury not present.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Everybody can sit down.

4 MR. SCHOLAR: Mr. Cannick is still.

5 THE COURT: Are we good to go?

6 MR. SCHOLAR: We're good. Thank you, Judge.

7 THE COURT: Ms. Geddes, I'm also going to remind
8 you, I know this seems oxymoronic in light of my other
9 comments to you, but don't talk too fast. All right. I just
10 want to make sure the court reporters get down everything that
11 you say.

12 MS. GEDDES: Got it. I am trying to hurry up
13 though.

14 THE COURT: It's fine, it's fine.

15 MS. GEDDES: I'll do my best.

16 THE COURT: All right.

17 THE COURTROOM DEPUTY: All rise.

18 (Jury enters courtroom.)

19 THE COURTROOM DEPUTY: You may be seated.

20 THE COURT: All right, everybody we are ready to
21 proceed and continue with the summation by Ms. Geddes. Go
22 ahead.

23 MS. GEDDES: Thank you.

24 Dr. Hughes also told you that shame and humiliation
25 are also a means of coercive control. The defendant used

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4421

1 those tactics in spades. He demanded collateral from Jane as
2 he did with many of his other girlfriends, and that collateral
3 came in many different forms.

4 He had Jane and others write letters, falsely
5 confessing to stealing, falsely claiming their parents had
6 committed terrible deeds. And as you now know, the defendant
7 kept many of those letters in that locked safe in a storage
8 facility, and you saw several of them at this trial.

9 Government Exhibit 455, 456 and 461 are just three examples.

10 Jane wrote this one in 455. I'm sorry I have to
11 leave, but I've done some things that I know you cannot
12 forgive me for. I've been stealing money from the stash you
13 told me about. She continues, I also was stealing jewelry too
14 when I could because it was just a rush and fun to do.

15 456, another letter to the defendant. I also did
16 something bogus just in case you caught me stealing and let me
17 go. I decided I would spank myself really hard until I had
18 bruises on me and I was going to blackmail you and said you
19 did it to protect me.

20 She even wrote a letter, 461, claiming that she was
21 going to threaten to accuse him of rape, because she was so
22 upset that the defendant only wanted to be friends. She
23 writes: I desperately wanted you to want me, how I crave you.
24 I started to make threats to you, and I'm sorry. I mean, I'll
25 tell everyone you raped me. I'm going to tell everyone you've

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4422

1 been raping me since I was a minor.

2 Now, defense counsel suggested in his
3 cross-examination of Jane that these letters were true.
4 Remember, he confronted Jane on cross-examination with a few
5 of the letters, the ones about her parents.

6 First, please consider the letters as a whole, not
7 just the few pages that the defendant introduced as part of
8 their case, but they have to be considered along with all of
9 the other letters found in the defendant's residence and in
10 his safe.

11 You've now heard what is written in several of these
12 letters. Use your common sense. These are preposterous on
13 their face. But they are also obviously fake because Jane
14 didn't actually leave the defendant when any of these were
15 written. When she's writes in these letters, I had to leave.
16 She never left. You also know that they are fake because they
17 were addressed to other people, but they were found in the
18 defendant's stuff. They were never sent. You know they're
19 fake because the defendant had all his girlfriends write these
20 letters and you saw a lot of those letters in this case. You
21 saw letters from Dominique. You saw letters from V. You saw
22 letters from Anna, and you will have them in evidence, read
23 them.

24 Many of the letters are frankly absurd, and in the
25 one that Dominique wrote she threatens -- or not threatens,

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4423

1 she claims that she set up a robbery where with V of the
2 defendant's studio and she's going to be the getaway driver.
3 These letters were orchestrated by the defendant.

4 You learned that the defendant did not stop with
5 getting collateral in the form of these fake letters that he
6 wrote. Another means that he used shame and fear -- I'm sorry
7 shame and humiliation to control Jane was through the use of
8 videos. Jane told that you sometimes after he spanked her and
9 she had tears rolling down her face from the pain, he also had
10 her make videos containing false and embarrassing admissions.
11 She told you about one where he said there was an incident
12 where he had chastised me over 15 times. He pulled out an
13 iPad and he told me to make a video saying that my father had
14 molested me while I was still crying from him chastising me.
15 That's in the transcript at 998.

16 I've already discussed with you the videos that he
17 directed Jane and Anna to make when they had to walk back and
18 forth calling themselves stupid and dumb.

19 Now you know that the defendant was sexually
20 stimulated by these videos. In fact, you saw him masturbating
21 in Government Exhibit 328A while Anna walked back and forth on
22 that video, but you also know that Jane and Anna were not so
23 stimulated. The tears you saw in Anna's face on that video
24 were real. She was enduring punishment, the defendant's
25 punishment. Jane was no different. The punishment was real.

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4424

1 During this trial you learned that the defendant
2 went even further though. He had Jane and others make videos
3 between even more humiliating and degrading things like smear
4 feces over their bodies and even put it in their mouths. Jane
5 told you about the time when Juice gave her an iPad so she
6 could record herself eat feces. Anna told you also the same
7 thing. She told you that the defendant directed her to use an
8 iPad to make a video of her being sexual and seductive with
9 bodily fluids, feces, urine, and you saw one of the
10 defendant's girlfriends make just such a video. Government
11 Exhibit 329A, and I'm not going to play it for you again, I
12 submit though you may never fully erase that searing image of
13 329A from your memory. That is among the ways you know the
14 extent of control that the defendant held over Jane and his
15 other girlfriends.

16 Now you saw firsthand what the defendant intended to
17 do with all of those materials, all that shame and humiliation
18 and why it served as such a powerful means of control. In
19 this trial you saw the defendant try to use that collateral.
20 On cross-examination of Jane defense counsel asked her
21 question after question about the plan by her parents, but you
22 saw the letters and you know the letters weren't real, you
23 know what the letters were for: A day like today when the
24 defendant was on trial for racketeering, sex abuse of minors,
25 child exploitation, forced labor and he needed ammunition.

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4425

1 Ladies and gentlemen, Jane's parents and Jane did
2 not devise a plan to exploit the defendant. The defendant
3 devised and executed a plan to exploit Jane. You have seen it
4 on full display for nearly six weeks. It was no different
5 with Anna, defense counsel tried to do the same thing. On
6 cross-examination he asked Anna whether she liked scat sex, an
7 apparent attempt to argue that she wanted to rub feces and
8 urine on her body, but you know she didn't. Those videos were
9 made because the defendant required them to do it. Nothing
10 more, nothing less.

11 As another means of coercive control the defendant
12 made taped surveillance on Jane, as another thing Dr. Hughes
13 talked about. He regularly checked her cell phone to see who
14 she had been in communication with and about what. You saw
15 her text messages with her friend *Malak back when she was 17
16 years old, this is in evidence as 205J. She writes: You know
17 you all can't do that 'cause he checked my phone. He, the
18 defendant. And 205M, texting will get me caught up. Got to
19 use code words.

20 Yesterday I mentioned that the defendant told Jane
21 that his engineer could retrieve -- could go to the i-Cloud
22 and access her text messages to see who she had been speaking
23 with. He even had his assistant regularly report where Jane
24 was, what they were doing. Ladies and gentlemen, you have
25 learned during the course of this trial the defendant made

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4426

1 Jane and his other victims so dependent on him that they began
2 to lack the ability to think for themselves.

3 Now I have spent a considerable amount of time
4 walking you through the physical abuse, the threats of more
5 physical abuse, physical restraint, confinement, threats of
6 further confinement and other means that the defendant used to
7 control his victims, including Jane. I now want to talk about
8 the labor that he obtained from Jane once he had virtual total
9 control over her. She told you that he required her to have
10 sexual contact with others.

11 Now, the forced labor that is charged here is not --
12 with respect to Jane is not about having sex with the
13 defendant. Jane did not testify that she didn't want to do
14 that. Here, the forced labor is about his requiring Jane to
15 have sex with other men, other women, none of whom she wanted
16 to have sex with. He made her have sex with Juice, Anna, V,
17 Dominique and more. He also made her have sex with Alex,
18 nephew she knew him as. And he also required her to be one of
19 the stars of his homemade sex videos. You know what she said
20 was true because you also heard from Alex, nephew. He
21 described the girl the defendant told him to have sex with
22 while the defendant recorded it, and he described it -- the
23 women that he was having sex with, those females, as
24 zombie-ish, his words. That's in the transcript at 3358.

25 And you saw that on. Government Exhibit 341A, 342A

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4427

1 and 343A, you saw the defendant direct another of his
2 girlfriends to give Alex oral sex. You saw the defendant
3 direct Dominique to have sexual intercourse with Alex, and
4 through it all the defendant was in complete control. The
5 defendant directed, and Dominique performed. Take a look at
6 both her and Alex's facial expressions throughout. They
7 looked positively numb to what is happening. They just
8 listened to the defendant and executed his commands. We even
9 saw the defendant physically position Dominique so that she
10 was in the precise sexual position the defendant wanted. In
11 evidence as Government Exhibit 349C is a screenshot of that
12 particular part.

13 You saw the defendant hold onto Dominique's hair as
14 he forcefully and repeatedly pushed her head on to Alex's
15 penis. Dominique performed for the defendant, but it was not
16 consensual. She performed because her will had been broken
17 down.

18 You saw another example of the defendant's own words
19 directing. In Government Exhibit 485 was that recording with
20 the individual we're calling Kyla, where he accused her of
21 taking a Rolex watch, and in part of the video -- and I won't
22 play it now, but in part of the video after he got so mad he
23 says, there's only one way you're going to get rid of this,
24 for me to trust you again. You're going to do what the fuck I
25 tell you to do. When you made the fucking tape for me and I

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1 looked at that shit you were hiding your face because you
2 didn't want to be seen. I told you to trust me and now here
3 it is, I can't trust you. You're the one who is
4 untrustworthy. I'm the loyal man. And he continues, you're
5 going to do this shit for me for fucking free. You're not
6 going to hide your face on me. You're going to do what I tell
7 you to do and you're going to do it right. That is the
8 defendant's words. You heard it and you can hear it again.
9 The defendant directing somebody to make a recording for him,
10 and I submit the reason she hid her face, the reason she
11 didn't trust him was because he was asking her to do something
12 humiliating, something degrading, something like the videos
13 you have heard and now seen the defendant direct.

14 You know, just as Dominique did, Jane did the same.
15 Using every tactic of force and control, the defendant ensured
16 that Jane would have sex with anyone, any time when the
17 defendant chose. It was his command. And then he filmed it
18 so he could have it for posterity for his sexual gratification
19 then and down the road.

20 The defendant committed forced labor of Jane. And
21 this forced labor is tightly tied to the enterprise that the
22 defendant had. Without the presence and assistance of his
23 enablers, there would have been no forced labor. Alesiette
24 Mayweather told you, the defendant told her to stay overnight
25 on the bus while Jane was in the back room. You saw text

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4429

1 messages from Cheryl Mack to Jane, and Diana Copeland to Faith
2 directing them to check in with the defendant before they
3 leave their hotel room. You heard from Diana Copeland, one of
4 his most loyal employees, who told you that the defendant
5 complained after she let Anna escape and griped that she
6 should have gotten Lele, also on the board, she should have
7 let Lele handle it, and that she was not carrying out her
8 duties as an executive assistant to the celebrity -- to a
9 celebrity. A celebrity, in the defendant's eyes, apparently
10 gave him license to break the law.

11 You heard from both of the Mayweather sisters that
12 the defendant expected his employees to uphold the isolation
13 measures that the defendant worked so hard to impose. When he
14 heard that Suzette Mayweather had a personal conversation with
15 Dominique, he became incensed. Suzette Mayweather testified,
16 it was the first time I had ever seen Rob really upset. I had
17 never seen him this upset. And when I say upset, it wasn't
18 the tone, it was the look in his eyes.

19 You also saw the defendant himself give instructions
20 to Diana Copeland to keep watch over his female guests, his
21 girlfriends. This is in evidence as Government Exhibit 497A.
22 And it's a text message that the defendant sent from a
23 phone -- this is a phone that was taken from the defendant's
24 storage facility, and on that phone he sent a text message --
25 there was no text he just sent a screenshot of a message to

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4430

1 Diana Copeland, and you know it's Diana Copeland's because
2 Diana Copeland testified that number was hers and it's also
3 saved in the defendant's phone as Diana Copeland. In the
4 message he conveys to her the importance of watching the
5 females, this female's phone conversations because someone had
6 sent him a text message that said, you should pay close
7 attention to the girl's phones, I would say especially Jane
8 and what exactly they do on them.

9 Then below that is another screenshot and in the
10 screenshot, and you have it in evidence, in the screenshot
11 they are discussing an incident that happened on the bus where
12 someone was hit and they're talking about it. And the
13 defendant is upset and when he sent that message to Diana
14 Copeland, I submit he was telling Diana Copeland keep watch
15 when they're using their phones, what are they using their
16 phone for.

17 Now, Diana Copeland had been working for the
18 defendant for over a decade and by her own account, her words,
19 not the government's, her words, she was an extension of the
20 defendant, and his girlfriends knew that. All of these steps,
21 the defendant's instructions to his employees, his
22 expectations of them were among the tactics the defendant used
23 to maintain complete control over his victims. And there are
24 necessary -- they were necessary for him to do this. The
25 defendant's many employees standing guard and overseeing the

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1 females' activities allowed the defendant to enforce the rules
2 when he wasn't even there.

3 In fact, you also heard from Dr. Hughes that the
4 very fact that the defendant committed all of this in plain
5 sight, in front of other people and they did nothing to help,
6 that further served to isolate his victims.

7 The government has proved that the defendant
8 committed forced labor with respect to Jane as Racketeering
9 Act number 11.

10 Finally, I want to talk to you about Racketeering
11 Acts 12 and 13 and 14, which relate to Faith. I'm first going
12 to talk about the defendant's transportation of Faith
13 across -- sorry, we can also now view this, the public can
14 view this aspect of the presentation. Thank you.

15 Racketeering Acts 12 and 13 relate to the
16 defendant's transportation of Faith across state lines for the
17 purpose of illegal sexual activity. Here, the sexual activity
18 was illegal because the defendant engaged in unprotected
19 sexual intercourse with Faith without first telling her that
20 he had contracted an infectious and incurable venereal
21 disease or STD, herpes, and without obtaining her consent to
22 have sexual intercourse with him under those circumstances.

23 Racketeering Act 14 relates to the defendant's use
24 of threat of serious harm to obtain labor from Faith, it's
25 another forced labor count and I'll talk about that in a

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1 moment. In this case the forced labor is sexual services by
2 Faith to the defendant.

3 I want to first speak though about Racketeering Act
4 12, which is the transportation and coercion of Faith for the
5 purpose of illegal sexual activity.

6 Like Jane and Anna and many others, Faith told you
7 that she met the defendant at a concert. The concert was in
8 San Antonio, Texas and the defendant slipped Faith his number,
9 again by phone and shortly after the defendant connected Faith
10 to Diana Copeland. And initially Faith intended to fly in to
11 see the defendant in April of 2017, but she received an email
12 from Diana Copeland and it had a different girl's name on the
13 email and she decided that she wasn't going to travel under
14 those circumstances. But she did agree to travel a little bit
15 later and Diana Copeland, in fact, arranged for that travel
16 for Faith to travel to right here in the Eastern District of
17 New York.

18 Her first trip was on May 18th of 2017 from her
19 hometown of San Antonio to New York's LaGuardia Airport in
20 Queens. And you can see in Government Exhibits 624 and 625
21 that this is her airfare, her air travel on Southwest Airlines
22 showing the travel to LaGuardia and then also her hotel on
23 Long Island where she stayed. Both of those places are in the
24 Eastern District of New York.

25 Now the defendant was in New York because he was

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1 performing at a venue in Westbury on Long Island and there's a
2 photo of that in evidence. Diana Copeland arranged for Faith
3 to stay at the Hilton in Melville Island and you can see
4 that -- you see over here in 625 where she was staying. Her
5 name was misspelled, but -- her last name was misspelled and
6 redacted here anyway.

7 But you also know why the defendant flew Faith to
8 New York, it was for his purpose of engaging in sexual
9 activity with her. As you know, and I mentioned earlier
10 today, the defendant regularly flew women across the country
11 to meet him for the purpose of sex. And remember when Faith
12 told you about another trip in the future in LA with the
13 defendant, she didn't want to do have sex with him and so she
14 lied to him and told him she was on her period. He was
15 annoyed and he said, why did you even come. And he said that
16 because he brought her there for sex and it was no different
17 in May of 2017. He wasn't bringing her for company, for
18 business advice, it was just for sex, plain and simple.

19 So once you know that the defendant transported
20 Faith to New York from her hometown is Texas, the only
21 remaining issue -- and that was for the purposes of sex, the
22 only remaining issue is whether the sexual activity that he
23 brought her here for was illegal, and it was.

24 In New York it is a crime to expose another person
25 sexually to an infectious venereal disease, an STD like herpes

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1 and it's a crime when you do that by engaging in unprotected
2 sexual intercourse with somebody without first telling them
3 that you have herpes and that they consent to sex under those
4 circumstances.

5 Now faith told you what happened when she got to New
6 York. She went to his concert, the one at the venue shown
7 here, she went to the concert then she returned home to her
8 hotel room. Then at six in the morning -- she had fallen
9 asleep, she received a phone call from the defendant, and you
10 can see the defendant's phone call in the phone records that
11 are in evidence as Government Exhibit 118A. And again, you'll
12 see it shown here that there was a phone call from the
13 telephone number 312 area code ending 3886 to a phone that was
14 subscribed to by Faith. And you know that 3886 phone number
15 is one of the defendant's because Faith actually had that
16 number saved in her phone for the defendant. She told you
17 that's who it was.

18 So the defendant starts pounding -- he calls her,
19 she is waking up, she's groggy and then she starts to hear
20 pounding on the door and it's the defendant at her hotel room.
21 Faith answered the door, let the defendant in and he's
22 partially undressed so that he was naked from the waste down,
23 similar to how you saw him in the video with Dominique and
24 Alex.

25 And at first -- he then directed Faith exactly what

1 to do, to rub on him. First, Faith started -- having received
2 the directive, Faith starts to rub his shoulders but the
3 defendant made clear what he wanted, and told her to rub his
4 penis and moved her hand to that area and so she did. He
5 continued with his direction and eventually positioned her on
6 all fours on the bed and inserted his penis in her vagina
7 while filming the encounter on his iPad, as you know, and have
8 heard that he does.

9 Now Faith testified to you that the defendant was
10 not wearing a condom or any other protection and never told
11 her that he had previously contracted that incurable STD.
12 Despite, as I've already discussed at length with you, that he
13 knew he had it. He knew he had herpes. And again, I want to
14 remind you that the government only needs to prove that the
15 defendant exposed Faith to that incurable STD. It does not
16 need to prove that she actually contracted it from the
17 defendant, or contracted it at all.

18 Now in addition to just what I previously described,
19 the government can also show that the conduct was unlawful in
20 New York because it constituted reckless endangerment under
21 the law and the following elements is what the government
22 would need to prove beyond a reasonable doubt to show that the
23 defendant committed reckless endangerment by engaging in
24 unprotected sex with Faith without first telling her about his
25 incurable STD.

Summation - Geddes

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1 First, the government has to prove that the
2 defendant recklessly engaged in conduct and, second, that that
3 reckless conduct must create a substantial risk of serious
4 physical injury. Now here you know the defendant acted
5 recklessly when he engaged in unprotected sex with Faith
6 without first disclosing to her that he had this incurable STD
7 and without obtaining her consent to engage in sex under those
8 circumstances. But you also know that the conduct created
9 substantial risk of serious physical injury.

10 Dr. Hoskins testified extensively about what herpes
11 does and the risk that it creates. She explained that the
12 virus enters the body and goes straight to your central
13 nervous system, that's the brain and your spinal cord and it
14 remains there. And she told you that it causes primary and
15 secondary outbreaks and that those outbreaks are unpredictable
16 and can occur throughout one's lifetime and they are brought
17 on by everyday stressors like fatigue, other illness, even a
18 woman's menstrual period.

19 She also told that you an individual can suffer
20 further complications, including an infection from having
21 herpes in their body. And she described if there's an
22 outbreak and an infection, the infection can go into the
23 bloodstream to the fullest extent where it may only -- where
24 it may be only be in the bloodstream and then to higher level
25 where we call it sepsis. The infection can go into the

Summation - Geddes

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1 central nervous system where we would call just infection in
2 that nerve area directly, or where it could go all the way to
3 the brain and the rest of the central nervous system, or even
4 the layers that cover the brain in the central nervous system.
5 That is a substantial risk of serious physically injury.

6 So you know that the government has proven beyond a
7 reasonable doubt the conduct charged in Racketeering Act 12.
8 I want to just briefly mention Counts Six and Seven. I told
9 you that I would talk about some of those stand-alone counts
10 because they correlate to some of the racketeering acts.

11 And Count Six correlates to Racketeering Act 12A and
12 Count Seven correlates to 12B. For Counts Six and Seven you
13 just need to find the defendant committed the conduct in that
14 correlating racketeering act and that at least some part of
15 that happened here in the Eastern District of New York, and
16 the government has shown you that the defendant arranged for
17 Faith to travel into LaGuardia, which is in Queens and right
18 here in the Eastern District, and that also the illegal sexual
19 activity took place in the Eastern District of New York and
20 that was at the Hilton on Long Island. And the judge will
21 instruct you that both Queens and Long Island are in the
22 Eastern District of New York. So Counts Six and Seven have
23 also been proven.

24 Racketeering Acts 14A and 14B and the correlating
25 substantive counts, which are eight and nine for that one, are

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1 very similar to what I just discussed. In fact, they mirror
2 12A and 12B in Counts Six and Seven, but it's just a different
3 trip. This one is for a second trip that the defendant
4 arranged for Faith to take to New York, this time in February
5 of 2018.

6 Now after -- Faith told that you after she flew to
7 New York in May of 2017, the defendant arranged for her to fly
8 to Chicago, Dallas and Los Angeles, and we'll talk about the
9 trip to Los Angeles for a moment, but for now just recall that
10 Faith told that she continued to communicate by phone with the
11 defendant after each of those trips and that in February of
12 2018 the defendant, again using folks in his enterprise, flew
13 Faith a second time to New York City. And you saw Faith's
14 text messages with Diana Copeland where at first the trip was
15 going to be canceled but then Diana Copeland told her, get to
16 the airport for a 4 p.m. flight. And you can see in
17 Government Exhibit 931 a record from American Airlines showing
18 Copeland having arranged the flight. You can see her name at
19 the bottom, Diana Copeland, arranging for Faith to fly from
20 San Antonio again to LaGuardia. This time she flies through
21 Charlotte, that's CLT. That travel was on February 2nd, 2018.

22 This time she stayed just across the river in
23 Manhattan at the Mondrian Hotel. You saw that Diana Copeland
24 arranged for her to travel from an Uber to get from LaGuardia
25 to the hotel, that's in evidence as Government Exhibit 632.

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1 You also saw text messages with Diana Copeland where she
2 instructed Faith to go up to the 18th floor, and Faith told
3 you that on this trip she actually stayed in the defendant's
4 hotel suite. And records from the Mondrian Hotel show that
5 room 1803 had been reserved under the alias George Kelly. And
6 you actually see in those records from the Mondrian where it
7 says George Kelly is the alias for R. Kelly and identifies
8 Diana Copeland as the tour manager there.

9 So Faith testified that when she arrived at the
10 Mondrian Hotel late that night, it was actually early the next
11 morning, she fell asleep, but around 8 a.m. the defendant woke
12 her up. He told her to undress and she did and as usual he
13 directed every move. He told her to pose and to touch herself
14 and then he directed her to come into the bedroom area of that
15 suite in 1803 -- and you also saw photographs of that room --
16 and once on the bed he started to vaginally penetrate her with
17 his penis.

18
19 (Continued on the next page.)
20
21
22
23
24
25

Summation - Geddes

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1 MS. GEDDES (CONTINUING): Faith told you, though,
2 that she was clinching her body and the defendant could tell,
3 and he got frustrated and eventually he ended up taking out
4 his iPad and started to masturbate to record it onto the
5 iPad. And remember, she vividly described he was
6 masturbating as though he were scratching an itch. Those
7 were her words. She also told you that as is his practice,
8 he didn't use a condom when he penetrated her; and he
9 certainly never told her that he had contacted genital herpes
10 before any of this or after.

11 You also know, based on Faith's testimony, which is
12 supported by the travel records and the testimony of others,
13 that the defendant arranged for her travel from Texas to
14 New York across state lines for the purpose of sex. And in
15 New York, like I just said, that's where he did actually
16 penetrated her without using a condom.

17 So the Government has proven to you
18 Racketeering Acts 14A and 14B. Count 8 charges the same
19 conduct as 14A. Count 9 charges the same conduct as 14B.
20 And, again, all of those relate to that February 2018 trip.
21 And, again, to find those substantive counts proven, 8 and 9,
22 you just need to find that he committed the conduct in those
23 two racketeering acts, and some of that conduct occurred in
24 the Eastern District of New York. And I've already told you
25 and we've seen that the travel was to LaGuardia in Queens

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1 within the Eastern District of New York.

2 So now I want to talk about the final
3 racketeering act, Racketeering Act 13. The defendant -- and
4 that's the defendant's use of physical restraint and threats
5 of force and threats of serious harm to obtain labor and
6 services from Faith. And again, in this case, the labor or
7 services was oral sex from Faith.

8 Now, this racketeering relates to what happened in
9 Los Angeles in January of 2018. But before we talk about
10 that, I want to briefly talk about the prior trip that the
11 defendant -- that Faith made to see the defendant, and that
12 was the trip to Dallas, Texas. And she told you about that
13 trip, that during it, the defendant told her that an attorney
14 was going to give her some documents for her to sign; and he
15 told her and she told you that those documents were
16 apparently for the defendant's protection. You've heard a
17 lot of people talk about documents provided to the defendant
18 for protection, and you know what he meant by "protection."
19 Now, the attorney never actually came to give her those
20 documents.

21 The defendant also introduced Faith to Joy, and she
22 told you some of what happened with Joy. And you've heard
23 her describe some of Joy's actions, which Faith thought was
24 odd. You also heard her talk about an incident in the
25 Sprinter van in Dallas where she and Joy were in the Sprinter

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1 van after the defendant had left to go to a lounge, and they
2 were in there for a period of hours.

3 Now, at one point, Faith tried to leave the
4 Sprinter van because it was getting hot, and she had been in
5 there for quite some time and tried to open it and the door
6 was actually locked. She couldn't get out. And what's
7 notable, though, is Joy's reaction when she tries to open the
8 Sprinter van. She said, No, you can't do that. You need to
9 get permission first to leave the Sprinter van.

10 And so with that sort of backdrop during that same
11 trip, the defendant also told Faith to send him a text
12 message and he dictated what he wanted the text message to
13 say, and it was: "Daddy, I want to be with you and the
14 girls." Now, Faith did not want to be with the defendant's
15 girlfriends, but this was something that the defendant had
16 her write, a text message he had her send. Again, you know
17 why he sent it. It was more for his protection.

18 So when Faith returned to San Antonio after that
19 trip, Faith also told you that the defendant's behavior with
20 her started to grow more controlling. She told you that her
21 interactions with him were a little bit different now. He
22 wanted to know exactly where she was and what she was
23 wearing, and like the others, Faith complied. And you saw
24 some of those text messages where she kept the defendant
25 up-to-date on what she was doing and what she was wearing.

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1 And those are in evidence as Government Exhibit 207 and are
2 shown there on the screen.

3 Now, Faith also told you that in January of 2018,
4 the defendant arranged for her to fly to Los Angeles and to
5 meet him at a recording studio where he was working then, and
6 that studio was NRG Studios in Los Angeles. And she told you
7 that when she arrived, she went to the studio and the
8 defendant had her wait there for hours in the back of his
9 Sprinter. And you remember she talked about having to ask
10 Diana Copeland for permission to even use a rest room. And
11 then after she was in the Sprinter van for a period of time,
12 she then was taken to the studio itself; and she told you
13 that she stayed there for a long time. She didn't eat. She
14 didn't leave to use the rest room, only when she was given
15 permission from the defendant or from Diana Copeland to do
16 that. And you saw her text messages where -- with Diana
17 Copeland where -- when Faith asked if she can go back to the
18 room, Diana Copeland says, Wait.

19 So eventually, the defendant does, in fact, come to
20 the studio, but he comes into the room where she is and then
21 he leaves. She -- I'm sorry, he leaves very quickly after
22 that. And she testified about what he later said to her.
23 She said, Once he came back into the room, he had told me
24 that had I stood up or showed some type of excitement about
25 him entering the room, then he would have come back sooner.

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1 And that's in the transcript at 22:48.

2 And you heard many of his employees and from
3 Jerhonda and Jane that one of the defendant's rules was that
4 his girlfriends stand up when he enters the room, and Faith
5 didn't, and the defendant punished her by leaving her in that
6 room for a period of hours. It's just another form of the
7 defendant's indoctrination. His rule, you stand up when he
8 comes into the room. Well, eventually the defendant did come
9 back and, as usual, was in total control, dictating exactly
10 what Faith should do. Walk it back and forth, he told her, a
11 familiar refrain now that you've heard from Jerhonda, Anna,
12 Jane, and others.

13 And he took her into another small room in the
14 studio, and she described it to you as like the size of a
15 walk-in closet. And you saw that room in Government
16 Exhibit 946D, as in "David." She told you that it was -- it
17 was a room to the left of the piano, the one with the square
18 window; and you can see that red area -- arrow pointing to
19 that square window.

20 There's also a floor plan, 946B, where you can
21 actually -- it's not shown on the screen. It's in evidence.
22 And you can actually see the room marked as Number 7, I show
23 Room 3. And that's the room where Faith identified the
24 defendant took her.

25 So when she entered that room, the defendant

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1 told -- she told you that the defendant's demeanor changed.
2 He grew serious. And there was more. She told you that she
3 immediately saw that a gun was placed on the table within his
4 reach. And you know what she told you makes sense because
5 even his most loyal employee, Diana Copeland, told you that
6 she saw a gun in the defendant's studio in Chicago just a
7 little bit before she stopped working for the defendant, and
8 she told you she stopped working in April 2018. So we're
9 talking about the first few months of 2018, both Faith and
10 Diana told you that they saw the defendant and a gun in the
11 nearby vicinity. So to be clear, when Diana saw it, the
12 defendant was not in the room, but it was his studio. And
13 when Faith saw it, the defendant was in the room.

14 Now, you also saw documentation from a few months
15 after that showing that the defendant had completed a
16 training course to carry a firearm, and this is in evidence
17 as Government Exhibit 314. So you know that the defendant
18 did have a firearm in his -- at least as of May of 2018, he
19 actually had a license to carry it.

20 So with the gun in arm's reach, the defendant
21 started to quiz Faith, asking her about other men in her
22 life. And in doing so, he made clear to her that he had done
23 some research of his own, including by identifying her father
24 and her father's profession. He asked her how many men had
25 seen her naked, and she answered. And when she answered, he

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1 asked another question: How many of your male friends have
2 seen you naked? This time, she said, None, no one has. And
3 he asked her if she wanted to take it back, and she told him
4 she didn't. And then she told you how he responded. She
5 said he had this real, like, stern-like -- stern look on his
6 face. He just paused for a minute, and he was like, You
7 know, me and your father, we have the same gift. He said he
8 had this spiritual discernment so that I would know -- he
9 would know if I was lying to him.

10 And then a little bit later, she says, And he just
11 gave me that look. He kind of has this look when he's
12 grilling you down. He just gets real serious. After that,
13 he got up, there was a little pillow on the chair. He put
14 the pillow on the floor. He told me to get on my knees. He
15 pulled out his -- I did. He pulled out his penis, grabbed my
16 neck, and told me to suck his dick.

17 Once again, the defendant used his -- used the
18 tactics that he learned from the predator handbook to obtain
19 the services he wanted. He responded in anger when she
20 didn't greet him in the manner that he wanted to be greeted.
21 He, for the first time, made clear to her that he had done
22 research on her family, including determining that her father
23 was a pastor. He quizzed her about prior men in her life and
24 registered his disdain with her answers. He had a gun within
25 his reach. And then he told her to get on her knees, grabbed

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1 her neck, and directed her to give him oral sex. That day,
2 he used his technique of coercive control, the one that
3 Dr. Hughes described to you, to coerce Faith to give him oral
4 sex when he demanded it that day in the studio in California.
5 So you know the Government has proven Racketeering Act 13.

6 Now, after Faith stopped seeing the defendant,
7 Faith tested positive for herpes. She tried to confront the
8 defendant, but he didn't return her calls. And she told you
9 that she then filed a report with the Dallas Police
10 Department and filed a civil lawsuit against the defendant,
11 and this is when she learned just how vindictive the
12 defendant could be.

13 You learned in this trial that the defendant; June
14 Barrett; her son, Donnell Russell; and a woman named
15 Cavonttey Jones, also known as "Kash Jones," all were part of
16 the defendant's circle, his enterprise, and they took
17 extensive effort to stop Faith from pursuing legal action or,
18 better stated, speaking publicly about the defendant. But
19 before I talk about the steps that they took, I want to first
20 talk about each of those individuals I just mentioned and
21 their connection to the defendant.

22 So I mentioned June Barrett first. Now, June
23 Barrett used a telephone that ended in 1020, so I'm going to
24 call it the "1020 phone." And you can see that there's a
25 subscriber record in evidence in 108A showing that that

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1 particular phone number was subscribed by June Barrett.

2 And you can see text messages that were found on
3 the defendant's phone, Government Exhibit 345. This was the
4 phone that Defendant was arrested with in July of 2019. And
5 in those text messages with June Barrett, she says, Faith,
6 love you, and she, demonstrating his affection for her, says,
7 Love back at you -- love you back -- atcha'. And so you can
8 tell that June Barrett and the defendant have a close
9 relationship.

10 Don Russell is June Barrett's son, and you can see
11 this from Government Exhibit 816, which is just a birth
12 certificate for Donnell Russell showing that his mom is June
13 Barrett.

14 And finally, there's Kash Jones. You haven't heard
15 much about her. And I want to make clear that there's
16 another Kash you have heard about in this case, Kash Howard.
17 She was the defendant's stylist that you've heard some of the
18 employees talk about. This is somebody different. This is
19 Kash Jones, and Kash Jones is also known as Cavonttey Jones.
20 And you can see in evidence Government Exhibit 915, which
21 shows that there's an email address that's associated with
22 Cavonttey Jones and Kash Jones. And both Donnell Russell and
23 the defendant are connected to Kash Jones.

24 You can see on this same phone, 8219, the one that
25 I just referenced, there was an image -- and it's shown on

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1 the screen from Government Exhibit 338 -- of some type of
2 contract and Kash Jones's, or Cavonttey Jones' driver's
3 license, which was saved as an image on the defendant's
4 phone; and that's in evidence as Government Exhibit 338A.
5 And also in evidence is an email between Donnell Russell and
6 Kash Jones using a slightly different email address, and I'll
7 talk about that in a minute. But through those, you can see
8 that the defendant and Donnell Russell both have connections
9 to Kash Jones.

10 So now I want to talk about the smear tactics that
11 that group -- Donnell Russell, June Barrett, and Kash
12 Jones -- and the defendant used against Faith. You saw
13 Government Exhibit 231A. That was that handwritten -- I'm
14 sorry, that was that typewritten letter that was sent to
15 Faith's attorney right here in the Eastern District in
16 Brooklyn, and the letter was signed by the defendant. That
17 was the one where, on every single page, it says stamped on
18 of the diagonal one, I do not accept this offer to contact,
19 and I do not consent to these proceedings. And you also saw
20 that June Barrett notarized that one.

21 We saw the letter included a series of revealing,
22 compromising photos of -- and text messages related to Faith.
23 And Faith told you that those were messages she exchanged
24 with the defendant, and she also identified the photos as
25 cropped version of photos that the defendant had taken of

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1 her. And the intent of the letter was clear. Written at the
2 bottom was -- and this is shown on the screen. The next few
3 pictures have been cropped for the sake of not exposing her
4 extremities to the world, and then he ominously wrote, Yes,
5 with three exclamation points.

6 And you know what he meant. If Faith persisted
7 speaking publicly, they were going to share those photos, the
8 uncropped versions. It was a threat. And you know the
9 defendant had a hand in this because you saw text messages
10 where the -- between the defendant and June Barrett using
11 that 1020 phone of June Barrett's, and the defendant wrote --
12 and these are in evidence as Government Exhibit 348A and B.
13 And the defendant wrote, Just in case we might need those,
14 and there's lots more.

15 And then he did just that. In Government
16 Exhibit 348B, he actually sends several photographs of Faith
17 in compromising positions and the text messages. And larger
18 images of those are shown in Government Exhibit 344D to K.

19 And a few -- a few hours later -- so those initial
20 text messages are from 10:30 in the morning, and at 2:48 that
21 afternoon, Barrett sent a text message making clear that she
22 intended to use those photos in the letter to her attorney.
23 And you know whose attorney that was. That was Faith's
24 attorney. And the letter was the one that you saw in 231A.

25 Faith, though, wasn't deterred. She pursued her

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1 lawsuit and participated in the *Surviving R. Kelly*
2 docuseries. And you heard that that docuseries was scheduled
3 to premiere at a theater in Manhattan on December 4th of
4 2018; and a few days before the scheduled premiere, on
5 November 30th, the defendant's self-described consultant,
6 manager, friend -- that was from one of the last exhibits
7 that the Government played for you, 922A, with that recording
8 of Donnell Russell advertising himself as the defendant's
9 consultant, manager, and friend.

10 So on November 30th, Donnell Russell sent the
11 defendant an email with an itinerary for the premiere. And
12 that's in evidence as Government Exhibit 941A. You can see
13 that the email was sent to CF Studios, and that stands for
14 Chocolate Factory Studios. And there's a subscriber record
15 for that in Government Exhibit 918, and it's shown there
16 showing that it's connected to the defendant and
17 RSK Enterprises, the defendant's enterprise.

18 Now, Russell -- Donnell Russell then took the very
19 action that the defendant threatened in 231A. So, first,
20 he -- on December -- I'm sorry, on December 4th, the day --
21 the afternoon that the premiere is scheduled -- and you know
22 that from looking at the itinerary that Donnell Russell sent
23 to the defendant -- Russell started to use an alias,
24 Colon Dunn, and he sent an email to *A&E Networks* with the
25 photos that he sent to Faith's attorney, those shown in 231.

Summation - Geddes

4452

1 In that email -- the email -- I'm sorry. Now, I told you
2 that in that email, which is in evidence as
3 Government Exhibit 232 -- that's the email to *A&E Networks* --
4 he uses the alias Colon Dunn, but you know that Colon Dunn is
5 really Donnell Russell because you can see that that email
6 address colondunn@yahoo.com is linked to Indy Build 2013 and
7 a particular phone number that ends in 3030. And you see
8 that subscriber record in evidence as 917A. And then if you
9 dig further, 914A shows that that same Indy Build address
10 that's linked to the Colon Dunn email, goes back to
11 id.drussell@gmail and links to another phone. And
12 Government Exhibit 916, if you take it one step further,
13 shows that that email, id.drussell, is linked to Donnell
14 Russell. And so Colon Dunn tried to hide his identity, but
15 the records in evidence clearly show -- and there's even more
16 than this -- the 3030 phone also links back to Donnell
17 Russell. But the records in evidence clearly show that
18 there's no Colon Dunn, just Don Russell, Donnell Russell
19 pretending and acting on the defendant's behalf to protect
20 the enterprise.

21 So I talked about that email that was sent to
22 *A&E Networks* with the same photographs that were sent to
23 Faith's attorney. There was somebody bcc'd, blind copied, on
24 the email, and that was the defendant. It was sent to that
25 CF Studios email address. So the defendant also was sent a

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1 copy of it. Other people just couldn't see it because he was
 2 blind copied rather than carbon copied, cc'd.

3 And he also -- Donnell Russell also forwarded that
 4 same email to Kash Jones, Cavonttey Jones; and that email is
 5 in evidence as Government Exhibit 241D. And he sent that
 6 that same afternoon. This is the afternoon, December 4th,
 7 before the premiere is scheduled that night.

8 Now, Faith and her mom testified and they told you
 9 that they were in New York for the premiere but there was no
 10 actually screening because the theater was evacuated and they
 11 also told you that while they were in New York for the
 12 premiere, Kash Jones and her bodyguard, who had a gun with
 13 him, met with Faith at an Applebee's Restaurant in Manhattan.
 14 And during that meeting, they showed Faith more nude photos
 15 of Faith, making it clear that this was part of the plan. If
 16 she persists, the photos were going to be distributed. They
 17 were trying to stop her from speaking publicly.

18 Well, *Surviving R. Kelly*, that docuseries, does, in
 19 fact, eventually air on *Lifetime*, and that happens in early
 20 January of 2019. The premier happened in December -- it was
 21 supposed to happen, but it never actually happened on
 22 December 4th; and then fast-forward to early January, the
 23 *Surviving R. Kelly* docuseries is aired on *Lifetime*.

24 Right after its premiere, Donnell Russell used that
 25 same alias, Colon Dunn, to again threaten Faith. This time

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4454

1 he contacts Faith's mom, Kelly; and she testified about that
2 contact. And you saw the text messages in evidence as
3 Government Exhibit 230A. And, again, Russell says, No, this
4 is Colon. My investigation will be done soon enough. And
5 then he writes, Pull the plug or you will be exposed.

6 Faith didn't pull the plug. So Donnell Russell
7 took the next step in their plan. You saw that there was
8 a -- or heard that there was a search warrant that the
9 Government obtained to find out what was in a particular
10 Facebook account, and that account was titled, "Surviving
11 Lies." That's in evidence as Government Exhibit 919. And
12 you can see from Government Exhibit 919 that this page was
13 created on January 7th, so just a couple days after the
14 *Surviving R. Kelly* docuseries aired on *Lifetime*. And in that
15 docuseries, Faith was one of the women who spoke publicly
16 against the defendant.

17 And you know who created this Facebook page, the
18 "Surviving Lies" Facebook page. It was Donnell Russell. And
19 you know that because on 919, you can see who uploaded the
20 content and there's a particular IP address. In evidence,
21 there's a subscriber record for that IP address, and that's
22 in evidence as Government Exhibit 944. You can see it is
23 none other than Donnell Russell.

24 So you know Donnell Russell creates this Facebook
25 page called "Surviving Lies," and now the Facebook album --

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1 the Facebook album -- I'm sorry, the Facebook page included
2 an entry that says "Deleted by Facebook," and you can see
3 that at the very bottom. And again, these are just snippets
4 from Government Exhibit 919, which is in evidence and you'll
5 have access to.

6 But you'll see that there's something that said
7 "Deleted by Facebook." So you can't tell the particular
8 album that was on the "Surviving Lies" page. But you know
9 what was in there because Faith told you that one morning she
10 woke up to a barrage of messages telling her that there were
11 compromising photos, nude photos of her on the Internet. And
12 she went to the site, the Surviving Lies site and saw them.

13 And you also know, because in that same Facebook
14 record, it says that -- when it says, "Photos deleted by
15 Facebook," that means that it was a photo that Facebook
16 removed because it violated the terms of service. And you
17 saw there were some comments in response to that deletion,
18 that album that was deleted, where folks said, Posting
19 revenge porn on a website is illegal. That was posted before
20 it was taken down, I submit.

21 And then someone else wrote, So the plan is to
22 clear your name by releasing revenge porn? And that was the
23 defendant and Donnell Russell's plan. They were going to
24 post these nude photos of Faith, and they did post those nude
25 photos of Faith.

Summation - Geddes

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1 And Faith recognized the photos that were on that
2 page, on the Surviving Lies page, as ones that were included
3 in that letter to her attorney, Government Exhibit 231A.
4 Only on the Facebook page, the images were not cropped, and
5 you know the defendant is the one who provided those photos.

6 You also know that Donnell Russell was acting to
7 protect the enterprise with the Surviving Lies page because
8 in evidence is part of a text message sent by June Barrett --
9 that's Donnell Russell's mother -- to the defendant
10 commenting, When the docuseries was aired, we answered with
11 surviving -- I'm sorry, we answered with the Surviving Lies
12 page on Facebook. And it goes on from there, and that text
13 message is in evidence.

14 And finally you saw and you heard Donnell Russell
15 in that YouTube video that was live-streamed to the public in
16 January of 2020 carrying out the threatened extortion. On
17 that platform -- and you saw this just -- maybe it was
18 yesterday. It seems like longer -- just yesterday when with
19 we played -- maybe it was actually a few days ago -- we
20 played a video of Donnell Russell, and he held up on the
21 video the compromising photos, the ones in
22 Government Exhibit 231A that he had just sent to the attorney
23 and said they haven't been released to the public yet. Well,
24 then they were.

25 Just as I told you at the beginning of my

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1 presentation, the defendant used the resources of the
2 enterprise for his own personal and criminal gain for
3 decades. The defendant recruited and groomed girls, boys,
4 and young women for his sexual gratification. With the help
5 of his inner circle, he met them in malls, concert venues,
6 even McDonald's. With the help of his inner circle, he
7 transported them to his homes in Chicago and Atlanta and tour
8 venues across the country. With the help of his inner
9 circle, he slowly isolated his victims, set rules, and
10 exacted punishment. Many of these girls, boys, and young
11 women believed that the defendant held the ticket for their
12 big break in the entertainment industry, but over the past
13 six weeks, you have seen just how quickly their dreams
14 fizzled.

15 The Government has presented to you 45 witnesses
16 and hundreds of exhibits, all leading to the unavoidable
17 conclusion that the defendant is guilty of each of the
18 charged crimes. It is time to hold the defendant responsible
19 for the pain he inflicted on each of his victims, Aaliyah,
20 Stephanie, Sonia, Jerhonda, Jane, and Faith. It is now time
21 for the defendant, Robert Kelly, to pay for his crimes to the
22 victims.

23 Thank you.

24 THE COURT: Thank you, Ms. Geddes. I think in
25 view of the hour, what we'll do is take an early lunch. Let

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1 me -- of course, that might not be feasible if your lunch is
2 not here.

3 Hold on just one second.

4 (Pause in proceedings.)

5 THE COURT: All right. Your lunch is not here
6 yet, but it's going to be here soon. And I really do want
7 to make the best use of our time, so I'm going to excuse you
8 until 1:45. Please don't talk about the case at all. When
9 you come back, we'll hear the summation from the defense.

10 THE COURTRoom DEPUTY: All rise.

11 (Jury exits the courtroom.)

12 (The following matters occurred outside the
13 presence of the jury.)

14 THE COURT: All right. Everybody can have a seat.

15 Can I just see the lawyers at the side? This is
16 about the schedule.

17 (Sidebar not taken by the court reporter.)

18 (Pause in proceedings.)

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Proceedings

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1 THE COURT: All right. I am just trying to figure
2 out scheduling-wise where we are. It's my plan to finish
3 the summations today. It doesn't look like we're going to
4 get to the charge, but it may be that there's a little bit
5 left over for tomorrow. But I really would like to keep us
6 on a schedule like that.

7 So I'll see everybody back here at 1:45, and we'll
8 continue with the summations. Thanks so much.

9 (Lunch recess taken.)

10 (Continued on the next page.)

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4460

AFTERNOON SESSION

(In open court; outside the presence of the jury.)

3 THE COURT: All right, everybody. Just a couple of
4 little matters.

5 My law clerk is going to send you the charge. There
6 isn't a whole lot of dispute about this immunity and
7 cooperating witness testimony so I've sent that, Ms. Lawoyin
8 is sending those things to you and then the charge will also
9 incorporate just the changes we discussed yesterday. Then I
10 don't think I'm giving the charge today so just take another
11 look at it and make sure that there's nothing, nothing extra.

Is there anything else before we get the jurors?

All right. Let's get the jury, please.

14 Mr. Cannick, just because I have to ask, how long do
15 you think?

16 MR. CANNICK: Two hours and 30 minutes at most.

17 THE COURT: Okay.

18 MR. CANNICK: Maybe an hour and a half. It's all a
19 matter of how I feel.

THE COURT: All right. Freestyle.

21 I'm going to just alert you which I should have done
22 to the government, I apologize for this, just I will give them
23 a break at some point so probably 3:15-ish.

24 MR. CANNICK: Okay.

25 | THE COURT: Unless you're coming to the end.

Summation - Cannick

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1 MR. CANNICK: Okay. I'll let you know.

2 THE COURT: Let's see what happens.

3 (Jury enters.)

4 THE COURT: All right, everybody. I hope you had a
5 good lunch. We are ready to continue with the summation by
6 the defense.

7 Mr. Cannick, whenever you're ready.

8 MR. CANNICK: Thank you, Your Honor.

9 This is a great country. Our constitution is most
10 sacred. However, without people, without people of good will
11 or a sense of fairness and courage, our constitution would be
12 nothing other than hollow words. It's people that gives it
13 meaning, vitality and endurance.

14 What am I talking about? Well, back in the '60s,
15 there was this agitator, some called him a rabble-rouser, a
16 criminal, a communist, but after living and making
17 observations, he and others of like mind, they concluded that
18 our constitution and our government wasn't being all that it
19 could be. It wasn't being fair and true and honest to its
20 people. So he and those who thought like him, they decided to
21 tell the government you're not being true, you're not being
22 true to those sacred words of the constitution. So they took
23 to the streets. They revolted.

24 In the process, some were killed, some were maimed,
25 some were jailed, bitten by dogs or have water hoses set on

Summation - Cannick

4462

1 them and Dr. King, as you know, he was murdered. However,
2 before his death, he had this conversation with someone and
3 they asked him why, why do you subject yourself to such
4 atrocities, to such humiliation, to such abuse. He simply
5 responded by saying: Somewhere I read of the freedom of
6 speech, somewhere I read of the freedom of assembly, somewhere
7 I read of the freedom of press, somewhere I read that the
8 greatness of America is the right to protest. So all I'm
9 trying to do is make America be true to what it said on paper.

10 That's all, that's all Robert is trying to do. It's
11 proof beyond a reasonable doubt, that if the government bring
12 charges against you, the government has to prove it beyond a
13 reasonable doubt. That's all that we are here about. That's
14 all we are here about. Proof beyond a reasonable doubt, made
15 to be true to what is said on paper and that's your job.
16 That's your job. Because unlike Dr. King and those who were
17 like minded, you don't have to worry about atrocities. You
18 don't have to worry about being maimed or beaten or killed.
19 You just have to do your job, be courageous, be fair and be
20 objective, and hold the government to its proof.

21 Now, with that, I'll pause. I just want to pause
22 for a second to thank you, to thank you on behalf of Robert
23 and the government for your time, your attention, your
24 attentiveness and just to participate in the process. I know
25 that you've been here early and ready every day. I watched

Summation - Cannick

4463

1 you take notes, pay attention, and sometimes even indulged me
2 and I'm going to ask you to indulge me a little bit longer
3 because I know you've been through this process now for over a
4 day but we have to, we have to let you know our view of the
5 evidence.

6 So ladies and gentlemen, you're now being called
7 upon to perform your single-most important function as jurors.
8 You're being called to discern the guilt or non-guilt of
9 Robert Sylvester Kelly.

10 Now, before going further, I'd like to hasten to
11 tell you that nothing I say at this juncture or at any
12 juncture equals evidence. In fact, nothing you heard from the
13 government this morning, and nothing even Your Honor will tell
14 you equals evidence. All of the evidence that you've gotten
15 in this case came by way of testimony, stipulations or
16 exhibits. So as I make these arguments to you and as the
17 government has made their arguments, just remember that what
18 we say is not evidence.

19 I also want to let you know that when I make these
20 comments to you, if you remember something different from the
21 way that I am saying it or the way the government said it this
22 morning, it's your recollection that controls. You and you
23 alone are the judges of the facts here. Her Honor is the
24 judge of the law and you are the judges of the facts. So it's
25 your recollection that controls.

Summation - Cannick

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1 I just urge to you do one thing, however. That in
2 your deliberation, if your recollections are at odds with each
3 other and you, one person is recalling it one way and another
4 person is recalling it another way, ask for the testimony to
5 be given back to you.

6 I beg you, I beg you and implore you that if you do
7 that, then ask for both sides, the direct and the cross,
8 because as you can see, having sat here now for about a month,
9 it's the cross-examination where the witnesses are truly
10 challenged because in the direct examination, as you've
11 learned, the witness and the government have spent hours,
12 sometimes up to 50, 60 hours going over that testimony. I
13 submit to you, ladies and gentlemen, that you really don't
14 have to practice the truth, especially not that long. If it's
15 the truth, you don't have to practice it. You don't have to
16 tweak it. You don't have to massage it. The truth will ring
17 out and endure forever if it's the truth.

18 So as you sit and do your duty as the judge of the
19 facts, I ask you to recall the witnesses on the witness stand.
20 I ask you to recall their demeanor and recall their answers
21 because if you recall, especially the witnesses that were
22 called by the government, their direct testimony was fluid. I
23 mean it was just like butter, fluid. They went through it,
24 but they should have gone right through it because 50-plus
25 hours of massaging it and tweaking it, then they came in here

Summation - Cannick

4465

1 on direct and went right through it.

2 Oh, but you remember the cross-examination. You
3 remember the cross-examination. I don't recall. I don't
4 remember. Could you ask that question again? Your Honor, I
5 object, one of the witnesses said. A couple of them wanted to
6 talk to Her Honor because cross-examination, that's when
7 they're challenged. That's when you're challenged.

8 I tell you now, I tell you now that when you go back
9 across the testimony, you will recall and you will see for
10 yourself that when these witnesses were being on
11 cross-examination and challenged, they, countless times, I
12 don't recall. Even when they were shown a document that they
13 did not author but they were the provider of the information.
14 Well, I don't recall that. I didn't say that.

15 Now, one or two things happened here. One or two
16 things happened. Either they're lying or the agents are
17 incompetent and I'm going to side with the agents. I'm going
18 to side with the agents writing down what was being told to
19 them. So it leaves us with the other choice. They're lying.
20 And you knew they were lying.

21 You know, somebody said: Well, did you read back
22 over that after it was written? No. But remember, that
23 document says it's not a verbatim document, but you know what?
24 If you're telling me about cats on the witness stand but when
25 you spoke to the agent, you're talking about antelopes, that's

Summation - Cannick

4466

1 not a verbatim issue. That's just an out and out lie.

2 We're going to show you, in particular, some of the
3 witnesses just lie after lie after lie. And you know what's
4 so sad about it? You know what's so tragic about it? I just
5 spoke about what we expect of our government and what our
6 government should do but the government let them lie. They
7 didn't correct them. They just let them lie.

8 I mean a trial, ladies and gentlemen, is a search
9 for the truth. That's what a trial is for, but if the
10 government is going to bring out falsehoods and let those
11 falsehoods stand, then where's the search for the truth?
12 Where's the fairness to Robert? Where's the integrity of the
13 system? And I'm going to show you, I'm going to show you
14 those parts of the trial, just some of them, because you'll
15 see them for yourself when you read the transcript how the
16 government misled you and let the witnesses lie. They just
17 let them lie and they misled you because, you know, the
18 government asked certain questions and they got certain
19 answers.

20 I can tell you -- well, I will submit to you that if
21 you were confronted with an agent and you gave those types of
22 answers, you would be in serious trouble because the law says
23 you can't lie or mislead an agent but the government, the
24 government elicited testimony that purposely misled you. That
25 was the intent. I'll give you an example. I'm getting ahead

Summation - Cannick

4467

1 of myself but I'll give you an example.

2 Now, you remember when Jane was on the witness stand
3 and the government asked Jane, Well, what's going on here, is
4 that Mr. Kelly holding your hands? Well, the answer is yes
5 but that's misleading. You know why it's misleading? Because
6 the full shot of that showed Mr. Kelly holding and touching a
7 bunch of hands as they came down in the well. He wasn't just
8 touching her hands. But why were they misleading you? They
9 were misleading you because they wanted you to believe that
10 Kelly was targeting Jane, that Kelly was targeting Jane. And
11 you see, that's their theory here, that Kelly targets them.

12 R. Kelly didn't have to recruit women. He didn't
13 have to recruit women. But they want you to believe Jane
14 said, Well, he performed the entire show to me. Come on.
15 Jane, were you standing there by yourself? No. Were there
16 people to your right? Yes. People to your left? Yes.
17 People behind you? Yes.

18 Then to further that narrative, when you saw Faith,
19 she said, I was at Westbury and he performed the show to me.
20 That's the narrative. That's the narrative that they're
21 perpetuating. Now, what's wrong with the Westbury scene? I
22 asked her: Well, he performed the show to you? Yes. Well,
23 doesn't the stage circle back and forth? Oh, oh, I don't
24 know, I don't recall that.

25 Ladies and gentlemen, if you're at Westbury and

Summation - Cannick

4468

1 you're there for the first show, you will know, you will see
2 that show, that stage going back and forth. And why? Because
3 it's a circular facility and they're not going to let just
4 R. Kelly perform to the people in the center. No. The people
5 on the right and the left and the back, they'll want their
6 money back. So the circle, the stage goes around, but she
7 told you, you know, he was performing to me.

8 I'm getting ahead of myself but what I'm trying to
9 say to you is the government can't cherry-pick the information
10 they give. They can't cherry-pick it. They can't want a
11 conviction that bad that they're going to come in here and
12 give you that type of testimony.

13 I mean, Oh, R. Kelly, he had you do letters? Well,
14 yeah, he had me do letters. He had you do letters because he
15 had gotten to a point in life where who can he trust? Who can
16 he trust? So the letters were only to protect himself.
17 People said, Well, he wanted you to do it because he wanted an
18 apology. Well, yeah, if you steal from him and he wants you
19 back at work, give me a letter saying that you stole it and
20 you can come back to work.

21 So there was another point in the case where the
22 government had a serious problem with one of their claims.
23 They told you that, well, with Jane, that Mr. Kelly and Jane
24 had sexual intercourse for the first time in Los Angeles.
25 Then Jane was presented with some documents because she was

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1 saying that that happened in May and we confronted her with
2 documents showing that, well, Jane, R. Kelly didn't perform in
3 Los Angeles until October.

4 That was very problematic for the government. You
5 know why? Because they presented to you Jane's medical
6 records saying that she had herpes. So if they didn't have
7 sex until -- and we're not conceding that they did -- but if
8 you go to their theory that there was, this first intercourse
9 happened in October, then this whole notion of Robert
10 infecting her with herpes, that's just gets blown out of the
11 window.

12 So I asked her, I said, well, when you guys were
13 prepping, you came across -- yes, because in the prep,
14 remember, they also prepped not only for the questions that
15 they were going to ask, but they anticipated questions that I
16 was going to ask. It's in the transcript. She admitted to it
17 and she also admitted that this was one of the sticking points
18 that they had. This is one of the things that they were
19 problem, troubled by. So they spent a lot of time trying to
20 fix it.

21 So what they did, they then tried to switch Los
22 Angeles to Stockton. Okay, but they went through all this
23 detail about sex in Los Angeles and a fireplace and a bedroom
24 and they realized, Holy Moly, that doesn't work. You know,
25 you can't want it that bad. You really just can't.

Summation - Cannick

4470

1 Now, ladies and gentlemen, Robert, the testimony has
2 shown that he was a street musician. He started as a young
3 man and he was singing in the streets and in the subway. And
4 you all know now about his intellectual deficits, problems
5 reading and writing, but notwithstanding that, he grew to
6 international fame, an international superstar. And you know
7 what? After a point in time, he started living that
8 lifestyle. His label marketed him as a sex symbol, a playboy,
9 so he started living a playboy sex symbol lifestyle. Where's
10 the crime in that? Hugh Heffner, that was his life. It's not
11 a crime. Not a crime.

12 You know what's so interesting about this? Every
13 woman who came in here and testified about being in a
14 relationship with him, a legitimate relationship with him,
15 they told you that he told them, Before getting involved in a
16 relationship, I have multiple girlfriends, I have multiple
17 girlfriends.

18 The other thing that he did is that he also asked
19 each and every one of them their age before he even had any
20 type of relationship with them. Why? Well, you know, almost
21 burnt me once so I'm not going to let that happen again so I'm
22 going to find out your age. You think that that was just a
23 front, that he was just asking for the age and, okay,
24 notwithstanding he asked for the age, I'm just going to go
25 after you no matter how young you are? Well, I think that if

Summation - Cannick

4471

1 you go back and consider the testimony, none of the government
2 witnesses told you that they ever saw him with an underage
3 person. None of them would tell you that they ever went out
4 and spoke and gave a number to an underage person.

5 You know, you learned something about his preference
6 in relationships. He prefers, in some instances, the May to
7 October relationship: Older man, somewhat younger woman. You
8 heard about May-October relationships. All genders, male and
9 female. Some people just like it that way. Some people also
10 like kinky sex. You know, not a crime, May-October
11 relationship. It's not a crime, kinky sex. So but
12 everything, everything that has happened here that the
13 government brought in witnesses and had them testify about,
14 they're criminalizing it.

15 Well, what do I mean? Daddy. Daddy. Well, no,
16 "daddy" is almost a crime. It's almost a crime to call a man
17 a "daddy." I mean, there are certain cultures, Poppy, Poppy
18 Churro. I guess people can't do that any longer. There are
19 certain cultures where a husband called their wives "Momma,"
20 "Mom." I mean, the Vice President, the former Vice President
21 calls his wife "Mother." It's a term of endearment.

22 You know what's so interesting about it? When one
23 of the government witnesses testified and made reference to
24 the other one as being a "ho," the government said, well,
25 that's a term of endearment. Right? So "ho" is good.

Summation - Cannick

4472

1 "Daddy" is bad. Only if the government says it.

2 Be fair, ladies and gentlemen. Be fair. And I urge
3 you, I implore you, I beg you don't be overwhelmed by what
4 looks like evidence, by what looks like evidence because much
5 of what you heard here this morning and yesterday, not
6 evidence, not evidence. What it was was rank speculation.

7 They asked you to make these horrible leaps.

8 For example, well, if Sonja was at the house where
9 she said she was, and Arnold came in and testified about the
10 floor plan, then somebody must have gotten raped. What?
11 Where's the corroboration there? If Sonja is at the house and
12 Arnold testified about the floor plan and Sonja got it right,
13 then somebody must have gotten raped? Is that going to be
14 enough? Is that what you're looking for? That's not even
15 speculation.

16 Look, ladies and gentlemen, the government can't
17 tell you what the evidence is. You, you've been here. You've
18 listened. You've taken notes. You know what the evidence is.
19 They told you. You know what happened. That was a common
20 theme, you know what happened. No, you don't know what
21 happened. If they didn't produce the evidence, you don't know
22 what happened and you can't speculate. They want you to help
23 them. They want you to help them get the ball across the goal
24 line. That's not your job. Your job is, you know what, you
25 brought these charges, you better prove them and you better

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4473

1 prove them beyond a reasonable doubt.

2 What they needed in that situation, if they wanted
3 to corroborate Sonja, not a floor plan but a rape kit. She
4 said she was raped. Rape kit and a police report. Not this
5 nonsense about you know what happened. No. No. You don't
6 know what happened. Don't let them get away with that.
7 Somebody's life is at stake here. You know what happened.

8 No one -- Let me back up.

9 When you first heard about R. Kelly, you were
10 hearing stuff about holding women in cages, not feeding them,
11 not giving them water, locking them up. Predator. That's
12 what they called him: Predator. Where's the predator?
13 Where's the predator?

14 You heard about a man who treated these women like
15 gold, like gold. He bought them bags that were more costly
16 than cars. Private parties. Shopping sprees. Money galore.
17 Uber accounts. Shopping sprees. Spas. Come on.

18 When they went to a room, there were menus there for
19 all these restaurants and some of them will tell you -- Sonja:
20 Oh, I was starved. You didn't hear that from any other
21 witness. Sonja said that she went to Utah, I mean, from Utah
22 to Chicago. I haven't seen the travel air ticket yet. Maybe
23 the government will produce it on its rebuttal case, but where
24 is it? Where is it? I'll get to Sonja more in a few minutes.

25 The trial is a search for the truth, ladies and

Summation - Cannick

4474

1 gentlemen, not speculation, not misleading information, but a
2 credible honest prosecution.

3 Now, here's something else that was a little
4 misleading, not a little misleading. I'm sure you picked up
5 on it.

6 Now, when Mr. Holder came and testified, I guess the
7 government got his octopus that he drew. Now, this octopus,
8 he said he drew the octopus because he wanted Mr. Kelly, he
9 retained him and he wanted him to understand where his money
10 was going. So he showed the branches where his money was
11 going and there were some people in those positions and then
12 some people that just position themselves.

13 Now, what did the government harp on? If you see
14 down here, it says: RK Enterprises LLC. What did the
15 government say then? The government had the audacity to ask
16 this question: And you created it to show the defendant's
17 enterprise? How misleading. How misleading. Because, see,
18 this is supposed to be the enterprise. These are the people
19 right here. Those are supposed to be the racketeering
20 members, people who went to work every day doing their jobs
21 just as Rob was doing his, trying to make a living for
22 themselves and trying to make the artist be the absolute best
23 and he was trying to provide them with their wages. They call
24 that enterprise.

25 The closest thing you've seen to an enterprise in

Summation - Cannick

4475

1 this courtroom, the closest thing that you have any evidence
2 about an enterprise is this, the octopus. Because this
3 octopus is as real as the RICO, as the evidence you heard
4 here. You have no evidence regarding any RICO criminality.

5 You know, if he was doing, if he was doing all the
6 things that they said he was doing, and none of the witnesses
7 has said that he's been involved in any criminality, but if
8 the government would want you to believe that, that's all he
9 spent his time doing, well, how did he make all those records
10 not just for himself but for everyone else? Hits after hits
11 after hits.

12 I mean, Sonja said, Well, I went there and I stayed
13 in a room and I didn't see him. Well, that's what happened in
14 many situations. People would go and they would sit and they
15 would sit and they would wait and they would wait and
16 sometimes, they would be blessed with him being able to come
17 and help the artist because it wasn't just women who waited.
18 It was other artists and entertainers, other business folks,
19 but he's in demand. When you're a hot commodity, you're a hot
20 commodity. It's not a crime. And then they would, they would
21 have to wait and they would have to rely on his staff to keep
22 them accommodated.

23 Sonja said, Well, I got there and the guy asked me
24 do you want protection. And she said, Well, what? A condom.

25 Now, it just seems to me that you don't just get up

Summation - Cannick

4476

1 and go with that person to a room after that. Like, well, my
2 cab is still out there, let me just circle him back, I'm not
3 going to be here for this. Obviously, some of those rumors I
4 heard must have been true. I'm not staying here.

5 Then it gets worse. Sonja said after that happened,
6 the guy asked for her ID and then he started taking not only
7 her ID, but family photos, family documents. You're going to
8 stay? Are you going to let that happen? I mean, you're
9 really going to stay?

10 So she said after that happened, she was then put
11 into a room and then she basically was in that room and got
12 locked in, someone locked the door and she could not get out.

13 Now, what's so odd about that, where it just falls
14 apart right from the beginning, is that we asked every living
15 witness who came in and testified to you who said that they
16 were at Olympia Village: Any of those doors lock from the
17 outside? One after one after one: No. No. No. No. No.
18 Are you sure? No. No. No. No. There's no door that has a
19 lock on it that locks from the outside. So how does Sonja get
20 locked in there? Is this real? Is this what happened? But
21 it gets even worse.

22 She said now she's in there and she's in there for a
23 couple of days. No food. No water. But she said she had to
24 sign a nondisclosure agreement. And I said, Well, you signed
25 a nondisclosure agreement. Did you ever read it? No, I

Summation - Cannick

4477

1 wasn't able to read it. But you read the menu? Oh, you know,
2 the light, the TV light must have been on. I guess the TV
3 light in the room only shines on one section, must have shined
4 on the one section because she said she could read the menu
5 from the TV light but not the NDA.

6 Let me tell you about NDAs. It's as commonplace as
7 water, especially in that industry. But they criminalized
8 that too. You signed the NDA, right? He made you sign the
9 NDA. Don't let them bamboozle you. Don't let them bamboozle
10 you. I mean, he would be a fool if he didn't have NDAs and
11 even the ones that had them didn't really help.

12 Now, so Sonja went on to tell you that she was in
13 that room, she's locked in and she called her grandmother, she
14 called her friend, she called another friend, and she told
15 them about her circumstances and after one day, she continued
16 to call them. You know what? She didn't call the cops. She
17 never called the cops. She never asked anyone to call the
18 cops. Now, she's in a room that she's locked in, that doesn't
19 have a lock on the door but she's locked in.

20 Then she told you that another day goes by and she
21 went to get some food. Then she gets some food and then she
22 passes out. She passes out because R. Kelly, R. Kelly drugged
23 her. She's the only person who you heard from said anything
24 about R. Kelly and drugs, but R. Kelly drugged her. R. Kelly
25 drugged her. And you know what happened? He drugged her and

Summation - Cannick

4478

1 she didn't know where she was and somehow her underwear came
2 off and she don't know how it got off nor does she know how it
3 got from the chair to the bed.

4 Now, what I find very interesting here is that she
5 told you that she was in her nightgown and she also told you
6 that she was in a room that she couldn't discern whether it
7 was night or day and she also told you that she was in a
8 circumstance that she wanted to get the hell out after five
9 minutes of being there.

10 So help me, help me, help me. Why would she be in a
11 nightgown? Why would she be in a nightgown if she wanted to
12 get out of a place that she wanted to get out five minutes
13 after arriving? And it's even worse. It's even worse but why
14 would you be in your nightgown if you can't discern if it's
15 night or day? If you want to get out of there and you want to
16 put on your nightgown? No, you would stay, you would stay
17 fully dressed so you can get out. If you have an opportunity
18 to get a break, you dash out of there. You put on your
19 nightgown? Come on. Come on. You know, we're going to rely
20 upon you to use your common sense and life experiences here.

21 Now, supposedly after she was raped, because she
22 said that's what happened, but she said, Well, I can't tell
23 you categorically that there was a sexual encounter. Well,
24 there goes their case. There goes their case. So if she, if
25 she's telling the truth, and I don't submit for a second that

Summation - Cannick

4479

1 she is, but where's the sex?

2 Then listen, if sex happened, if you got drugged and
3 you get out, don't you go to the police? Just the drugging
4 alone, don't you go to the police? Now, let's throw rape in
5 there. You're not going to run to the police? You're not
6 going to run to the hospital and get a rape kit? You don't
7 know who just raped you, but you sit on it for 20 something
8 years and said: You raped me, you raped me, but I didn't want
9 to tell anybody. Come on. Come on. You don't know who raped
10 you? You don't know what that person's carrying and you're
11 not going to go to the doctor? You're not going to go to the
12 police? I mean, the government may want to buy that but I
13 doubt if you will. Come on.

14 Look, a lot of people watched "Surviving R. Kelly,"
15 and, unfortunately now a lot of people are surviving off of R.
16 Kelly. They run out and get a lawyer. Then come here. The
17 lawyer sat here. Are you planning on suing R. Kelly? Well,
18 no. Why do you have a lawyer? Well, just for my rights.
19 Come on. Come on. Don't let them insult your intelligence.

20 Do you think these lawyers don't have anything
21 better to do? You don't think they have a substantial fee
22 that they charge? You think they're here just because they
23 have nothing better to do? I think one lawyer, Gloria Allred,
24 was here for about five days. You think that was a visit to
25 Brooklyn? I mean, I love Brooklyn, but come on.

Summation - Cannick

4480

1 No, ladies and gentlemen, everyone that you spoke
2 to, especially those who said they had herpes, they're
3 monetizing. They all know what it is. They know what their
4 game is. It's surviving off of R. Kelly.

5 She is 39 years old now. This supposedly happened
6 when she was 21. Her story does not have any semblance of
7 truth, innocence. The government says to you, Well, you can
8 say she was raped, because she recognized the room, I mean she
9 was raped. Come on. You're not going to say that without
10 evidence.

11 Sonja never told a single soul that she was raped.
12 Never. Never. She's never been to law enforcement. Never.
13 You know why she's never told a single soul? Because it
14 didn't happen.

15 Now, something else about her story should have
16 caused you some concern. She said she went there because she
17 was doing a business trip for her company. The company did
18 not take care of any accommodations. In fact, I asked her.
19 You didn't have a nickel? No, I didn't have a nickel. The
20 company didn't take care of your hotel? No. Your airfare?
21 No. Nothing? No.

22 Sonja went there because she thought she can get
23 with R. Kelly. R. Kelly, typical of R. Kelly and his
24 scheduled, didn't get to see her so that's why she held onto
25 the picture for 20 something years. If someone raped you,

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4481

1 someone drugged you, you're keeping a picture? You are going
2 to keep it as a keepsake? You keep the picture but you use as
3 practice to shoot. You don't hold onto that as a keepsake.

4 Sonja heard about what was happening. The narrative
5 was all over the television, news, social media. Let's get a
6 lawyer, I can jump on this as well. She jumped on it and she
7 came here to tell you what she told us. Because, see, what
8 happens is the people who have jumped on this and are
9 monetizing on it, it all goes out of the window if it shows
10 that they have no proof. Who's going to be interested after
11 they realize that there's no credibility here? There was no
12 real surviving R. Kelly here. That narrative goes. So they
13 have to come here with their lawyer and continue to perpetuate
14 it if they want to monetize it. No, you are going to demand
15 more than that.

16 Sonja, when you look through the testimony, she said
17 that R. Kelly promised an interview but then in her reports
18 that the agents took said R. Kelly never promised her an
19 interview, it was supposed to be a photo shoot. She's all
20 over the place.

21 I don't want to go much longer on Sonja because I
22 don't want to have you sit here that long listening to me, but
23 I think Sonja said she was kidnapped. She was kidnapped. The
24 kidnapper paid her way to get there, paid her way to go home,
25 paid her way, provided her food, she was in constant

Summation - Cannick

4482

1 communication with her family, she never called law
2 enforcement and she never reported it to law enforcement. I
3 mean, come on. Where's the kidnaping? It's nonsense.

4 The other thing that's nonsense is the rape. I'll
5 just deal with that for a quick second. You think somebody
6 raped you, you're to get up and say: How are you, let me give
7 you a hug. No. No. No. I think she told the
8 government, well, I know my body, but you know common sense.
9 You know common sense. Now, but just remember the last word
10 that she said on this is: No, I can't say, I can't say that
11 it was a sexual situation.

12 I'm going to move quickly through Aaliyah and,
13 again, I want you to -- again, evidence, ladies and gentlemen.
14 Just remember the evidence and forget all of the fluff because
15 they brought testimony here to you regarding Aaliyah's
16 marriage, her annulment, and all this other stuff around it.
17 Was she pregnant? I don't know. Is it going to be an
18 abortion? It has nothing to do with the charges here.

19 The charge is did Robert in any way try to bribe
20 someone for a marriage license. That's the charge. Nothing
21 to do with the marriage. Nothing to do with the annulment.
22 Nothing to do with whether or not she was pregnant or
23 anything. That's all it is. And you know why I'm not
24 spending a lot of time on it? Because their witness, their
25 witness, Demetrius Smith told you categorically: Robert knew

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4483

1 nothing about it. Robert knew nothing about it.

2 Now, there they're upset with Demetrius. You can
3 see it. You can see it from where you were they were upset
4 with Demetrius, but Demetrius is almost like Diana Copeland.
5 They were one of the witnesses that didn't have a monetization
6 stake in this. They could just come and speak the truth and
7 did not have to worry about the government beating them down.

8 Diana Copeland told you, told you how they made her
9 cry. They were telling her a funny joke that made her cry.
10 They were beating her down to get her to say things that she
11 was not comfortable saying. She had no monetary, no monetary
12 interest in this whatsoever. She came here to tell you her
13 observation and that was not what they wanted to hear because
14 she told you never did I see anyone being mistreated, never
15 did I see any young women being there, never was someone, not
16 given food. Now, the government in their summation called her
17 Robert's most loyal employee. Well, yes, that's the way
18 they're going to characterize her because she did not give
19 them what they want. They made her cry.

20 You know what else you also learned from Diana?
21 That while they criminalized Robert, now he's not supposed to
22 move about in his home and business, but what did Diana tell
23 you?

24 I said: Well, when you were up there with the
25 government, could you move around? No. Did someone have to

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4484

1 take you to the bathroom? Yes. Did you go to lunch? No.

2 Did someone have to escort you? Yes.

3 I'm not saying there's anything wrong with that,
4 that's not criminal, but for Robert, they made it criminal.
5 They made it criminal. They made it criminal for Robert, but
6 the government told this lady, no, you can't go to the
7 bathroom for a while, but it's called decorum, you just can't
8 have folks running around your business and your office. But
9 when Robert says, You know what, we have this rule, oh, he's
10 suppressing them, he's controlling them, he's stifling them,
11 he won't let them move around.

12 So you have Whitney Houston, Michael Jackson, all
13 these people coming in and out of your business and, yes,
14 these are my girlfriends but you know what, there's a line
15 here, there's my business, there's Robert, the professional,
16 international professional, and there's Robert, your
17 boyfriend. I'm going to tell you something about those
18 relationships in a few minutes.

19 Now, thank God for Diana Copeland because you would
20 never know, you wouldn't have known that the government had
21 those very same rules, the very same rules that they have him
22 on trial for.

23 Now, so Aaliyah, Demetrius Smith gave the answer
24 back real fast: No, Robert knew nothing about it.

25 N-O-T-H-I-N-G. He knew nothing about it.

Summation - Cannick

4485

1 They presented him with some paperwork and he just
2 remembered: Yes, you're showing me this stuff, you're showing
3 me this stuff, but I know what my truth is, he didn't know
4 anything about it.

5 And he told you -- look, he wasn't saying it on the
6 record when he said, making these gestures like, You know,
7 you're bothering me with this again. I've given you my answer
8 but you don't want to hear the answer, you just want to hear
9 that Robert did it, Robert knew about it.

10 They've invested a lot of money, a lot of time, a
11 lot of energy, a lot of manpower, so they've got to bring home
12 the bacon. And, Demetrius, you are going to bring home the
13 bacon for us, you are going to make this happen. Demetrius
14 told the truth. The man knew nothing about it.

15 Jerhonda Pace. Jerhonda Pace was a stalker, a
16 groupie extraordinaire, and she's been a groupie of his since
17 early teenage years. Now, Robert vehemently denies any sexual
18 relationship with Jerhonda.

19 Jerhonda told you that she met Robert when he had
20 proceeding in court in 2008 and she was going almost every
21 day, cut school, and she would go and watch the trial, but
22 here's the narrative again. She said that Robert would kiss,
23 blow kisses to her in the courtroom.

24 Why is holding the hand in the concert and blowing
25 kisses, why is that the focal point? Well, the government

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4486

1 needs, they want you to believe that, again, Robert is
2 targeting a young woman. That's what it is. Do you believe
3 that somebody's on trial, and he sees someone in the crowd
4 that he doesn't know, he's going to blow kisses at her when
5 there's far, far more significant, serious things going on?
6 That's what Jerhonda wants to sell.

7 She said that there came a point in time that she
8 was invited to a party at Robert's home and she took public
9 transportation, two hours to get there, and after going into
10 the party for 20 minutes or so, she decided to leave because
11 the music was too loud. Now, here's someone who's been a
12 groupie, a stalker extraordinaire, she has an opportunity to
13 be in Robert's midst and she's going to leave a party after
14 20 minutes because the music is too loud? In fact, she went
15 on to tell you that she's never been to a party that had loud
16 music. You can believe that one if you want.

17 She said that Robert was her lover and she said she
18 had a picture, well, she had a picture of Robert. Now,
19 Robert's her lover but you know what the picture was? It's a
20 picture she got off of the internet. She pulled the picture
21 off the internet and put it on her phone and that's his name,
22 Rob. Is that her lover? Is that even someone she knows well?

23 Now, she told you about a beatdown that Rob
24 supposedly gave her one day. She said that she was at his
25 house and at some point, he slapped her and he slapped her

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4487

1 down and then he choked her and choked her out.

2 Now, in the police reports, she told them that Rob
3 slapped her four times and then choked her and then she told
4 us that after that happened, he made her have sex with her and
5 then he spat at her and then he, during a sexual encounter,
6 got semen on her and she used her blouse to wipe it all off.
7 Then she said after that, she went home and, to use her words,
8 she confessed. So she confessed to her mother. No doctor
9 visit. No pictures of the beatdown, the swelling. I asked:
10 Well, he slapped you hard? Yes, hard. Open hand? Yes. Near
11 the lip? Yes. No, no bleeding of the lip, no facial
12 swelling, no nothing.

13 She went to a law office and I want you, I beg you
14 to remember this. She went to a law office and the law office
15 took the information. She didn't go to the police department.
16 She went to a law office to sue, surviving off of R. Kelly.
17 So she went there and they said what evidence do you have.
18 She mentioned stuff, no evidence and nothing about that
19 T-shirt. Now, the T-shirt is the single most important thing.
20 Nothing about the T-shirt. Check it. It's in the records.

21 Then she said the law firm told her go home and put
22 this stuff in a journal and write it. When you check that
23 journal because you have that journal, nothing about this
24 T-shirt, not a single solitary word about the T-shirt, the
25 T-shirt that she said that she wiped the spit and the semen

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4488

1 off. Nothing about that T-shirt. Well, I know why. Because
2 there was no T-shirt. It didn't happen. The answer is that
3 didn't happen.

4 But I couldn't get his attention, I couldn't get him
5 as a man, so I'm going to get his money. So what do we do?
6 We get our good friend Dominique to go with us to Robert's
7 home. Being a super stalker, I know he's on the road, I know
8 the buses are gone, so I'm going to go to his home and I'm
9 going to climb over this fence, this 20 foot or so fence and
10 jump over the fence.

11 Now, how do we know that happened? Because Navarro
12 told us that he saw two girls, two young ladies climbing over
13 the fence and they disappeared. Well, I'll tell you where
14 they disappeared to.

15 So they climb over the fence and they disappeared.
16 Where did they disappear to? They're not on the grounds.
17 They're in the house. They're in the house. While they're in
18 the house, there's a picture of -- she's in there taking
19 pictures and taking items. So she didn't have the T-shirt
20 when she went to the lawyer. She didn't have the T-shirt when
21 she was filling out the journal, but she got the T-shirt that
22 day. That day she got the T-shirt and she's at Rob's house,
23 he's on the road and she's in the bed.

24 There's a photo someplace where she's in the bed, in
25 his bed with her shoes on. Remember she told us that Rob

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4489

1 insists that she wear baggie clothes? She's in the bed with
2 her heels on taking a picture, a selfie. Can't believe it's
3 happening, I'm in Robert's bed, so I have to take a selfie. I
4 have to take a selfie. And then notice my baggy clothes.
5 Notice my baggy shirt and my baggy jeans.

6 Now, what did she do, ladies and gentlemen? What
7 did she tell you? I asked her, Well, how did you get in the
8 fence? Well, sir, you see, a car went into the gate and then
9 when the car went into the gate, I dashed in behind it, me and
10 Dominique.

11 Now, the government knew that that was a lie. They
12 knew that was a lie, but that helped their narrative. A trial
13 is a search for the truth. They're supposed to get truthful
14 testimony and they let her tell that lie because, see, they
15 know it's a lie because they've already spoken to Navarro and
16 Navarro told you that she climbed across the fence but that
17 didn't bother the government. No, we can't have Navarro
18 saying that she climbed across that fence and steal that
19 T-shirt because that kills our case. So what they do is they
20 just play the ostrich.

21 Look, I told you about Dr. King and the people of
22 courage for a reason. You have to be fair jurors, jurors who
23 use your common sense and life experience but jurors who will
24 be courageous to tell them I'm not going to take that. That's
25 not truth beyond a reasonable doubt. A trial is a search for

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4490

1 the truth and you didn't get any truth and when someone was
2 giving you something less than the truth, you didn't stop
3 them. You've got to demand more than that from your
4 government. The government has to be better than that.

5 I mean, yes, getting a conviction of R. Kelly is a
6 big deal but what's a bigger deal is fairness. What's a
7 bigger deal is a system we can trust. What's a bigger deal is
8 a system that's really blind. That system that doesn't care
9 if this is R. Kelly. A system that just wants fairness. They
10 knew that girl was lying. They knew it.

11 How do you square that? How do you square what
12 Navarro is telling you with what Jerhonda is telling you and
13 what their Jane Doe is telling you. You can't square that but
14 they're going to try to square it. They did it for six hours
15 the last couple of days. Come on, be courageous and be fair.
16 She lied not just about that, she lied about a number of
17 things.

18 One other thing, right: Oh, R. Kelly settled a case
19 with me to buy my silence. What? To buy your silence? I gave
20 her the settlement agreement. I said: Now take your time and
21 read it and when you get to the part where it says R. Kelly is
22 paying for your silence, you let me know. Well, we could have
23 let her read until next Christmas. It's not in there. But
24 you know what happened? The government got up yesterday and
25 told you that R. Kelly paid for her silence. Where is that in

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4491

1 there? You've got to demand them to be fair and honest.

2 That's not in the agreement.

3 And ladies and gentlemen, you know from your life
4 experience a settlement means nothing. A settlement means I
5 don't have the time to deal with this. For superstars, they
6 settle cases all the time because they are targets but they
7 can't afford that publicity.

8 I mean, Susan Loggans made a fortune. She made a
9 fortune. Because she knew that, look, he's making so much
10 money. I mean, Disney can't have him involved in anything
11 like that. The record label can't have him involved in
12 anything like that. So bring all these lawsuits, I'll get a
13 settlement for you.

14 When you go back and you read that settlement,
15 you'll see that he admits to nothing. In fact, he says that
16 there's no liability here but to get rid of it and then go on
17 with their lives, they wind up settling and the government
18 goes, Oh, he settled it. You know better than that. They
19 know better than that.

20 She's a super hustler and a stalker. She told you
21 that she drove by his house 30 times in a day, in a day, and
22 she also told you that she went and sat in front of his house
23 for hours. But you know what's else is so ridiculous that she
24 told you? She told you that after suing him three times, that
25 she was still trying to get into a relationship with him. She

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4492

1 said, Oh, and I gave him the money back, I gave him some of
2 the money back because, you know, I didn't want to go through
3 that. You gave the money back but you sued him within another
4 couple of months? Now, who you were giving the money to is
5 Bubba because Bubba is the one who was your lover.

6 MS. GEDDES: Objection.

7 THE COURT: Sustained.

8 She even sued her lawyers. She sued Loggans.
9 Loggans settled. This is not worth it. She told you on the,
10 when she couldn't find the portion in there about Robert
11 buying her settlement, she said, Well, I didn't read it.
12 Well, you met with the lawyer. I don't know. Well, your
13 mother was there too, right? I don't know. I don't know. "I
14 don't know" was a theme song here.

15 The other thing about the T-shirt is that government
16 was quick to tell you, well, Robert's DNA was on it and I
17 can't remember the number that they gave you that his DNA was
18 on it, but you know whose DNA they didn't check for? Now, she
19 never mentioned anything about the T-shirt when she went to
20 her lawyer. Never mentioned anything about the T-shirt when
21 she wrote in her journal.

22 You would think that someone would have said, Oh,
23 you know what, let's be sure that this is her T-shirt, let's
24 do a DNA analysis from her. No. Never. Never.

25 Jerhonda is slick. She can manipulate the system.

Summation - Cannick

4493

1 She manipulated the court system to get into court and she's
2 been manipulating folks ever since and you're not going to let
3 her manipulate you.

4 If I can do one more before a break.

5 You remember Faith. She was the young lady from
6 Charlotte and she and her sister were at a concert and she
7 said that she was not an R. Kelly fan, she went because her
8 sister was a big fan and then afterwards, they were invited
9 backstage for a party. I just want to go back and tell you
10 one thing about the backstage invites to the party.

11 You know from the testimony that before inviting
12 folks to block parties, to the backstage parties, Robert asked
13 everyone, if he's the one making the announcement or if
14 someone else is, if they're 18 plus. In fact, I think one of
15 the so-called Jane Does, she told that you she was at a party
16 and she was asked, over the PA system at the end of the
17 concert, there was an invitation for anyone over 18 to come to
18 the backstage. So that was just the MO and there's a reason
19 for it. It's, like, I don't want any problems, so if you're
20 18 you can come back and I'll give you an autograph.

21 So Faith went to backstage and eventually Robert
22 appeared and they had a brief conversation and exchanged
23 numbers and she said, Faith, that at some point, she Googled
24 him and found out who he was and then eventually she contacted
25 him and they spoke, they flirted, and then he invited her to

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4494

1 visit. And she, she was the one who initiated because she was
2 the one who contacted staff and said if he's available, I'd
3 like to come and visit, and a ticket was given to her but a
4 ticket was in Anna's, in someone else's name.

5 Because of that, that's why she canceled the trip.
6 She canceled the trip because she didn't want to be the person
7 who, you know, the afterthought. So she said, No, I'm not
8 going, and then she spoke to him about that. Then he on the
9 text says, Come on, you know, I see it, I see a few people,
10 I'm not married but I see a few people. And then she said,
11 LOL, everything's cool.

12 So, again, he put it out there. This is my
13 lifestyle. This is my lifestyle. It's not a crime. This is
14 my lifestyle and you can step into it or not step into it.

15 The other thing that I want to speak to briefly
16 while I'm on this is that government is saying that he brought
17 women across state lines for sex. Now, I hope I don't have to
18 spend a lot of time on this but he's in business. In his
19 business, he travels. The women who he, that would travel
20 with him, they are in relationships. They were in
21 relationships.

22 This is just like you taking your girlfriend, your
23 wife, your husband, you're traveling and you go across state
24 lines for business purposes. Now the government has made that
25 a racketeering act. They say, well, you're violating the Mann

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4495

1 Act. Come on.

2 They may not be the couple or the type of
3 relationship that you might endorse but they're not, they're
4 not committing polygamy so there's nothing illegal there.
5 They have a relationship that everyone has bought into and
6 they live together, they eat together, they travel together
7 and sometimes, yes, they even have sex together.

8 (Continued on next page.)

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Summation - Cannick

4496

1 (Continuing.)

2 MR. CANNICK: That's their lifestyle and they all
3 bought into it, and they're all consenting adults.

4 So, they now want to say, well, he took them across
5 state lines. These are relationships. Even in Faith's
6 situation, that was a relationship between consenting adults
7 that lasted probably not as long as the others because that
8 one lasted probably about six or seven months, but when you go
9 back and look at these relationships, some of them lasted a
10 dozen years, twelve years, fifteen years, five years, three
11 years. Relationships.

12 This is not like, well, you know what, hey, Billy,
13 could you send me... yeah, yeah, you know, I really like Joan,
14 I'm gonna be in Georgia and could you send Joan down and ask
15 if she could come down?

16 That's a different situation. It's relationships.
17 Relationships that these consenting adults signed up for.

18 So, Faith having it right in front: Hey, I date
19 other people, you okay? And she was okay with that and she
20 went on a trip.

21 Now, she said on that trip that there came a point
22 in time, and I think it was the very next morning, probably
23 around 6 o'clock in the morning she said that Robert violated
24 her. Now, what's very interesting about that is that she said
25 that this was a situation where he had intercourse with her,

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1 might have been oral sex as well, but what she told law
2 enforcement, what she told the police department, and it's in
3 here, there's a stipulation. I want to talk to you about
4 stipulations, too. What she told the police is that he
5 penetrated her vagina and her anus. She never told you that.
6 She never -- because this didn't happen.

7 Again, monetization. Monetization. She came here
8 with a lawyer and she's on social media, she on television
9 shows. I mean these folks are capitalizing. They're
10 Surviving R. Kelly. But you know what's very interesting,
11 even after, even after she started her lawsuit and even after
12 she visited the police department, when you look at this
13 document that's in evidence, because the Government put it in,
14 but it's among a stack of evidence, but I'm going to show it
15 to you.

16 (Exhibit published.)

17 MR. CANNICK: Even after all that is started, when
18 you look at the date, the date here says April 11th, 2018.
19 That's after she started her actions.

20 And you know what that's saying? Daddy. Daddy, I
21 been calling you.

22 Now, this is after she was supposed to have been
23 violated the last time. She's calling him. I've been trying
24 to reach you, daddy. This is after she's been violated. She
25 still refers to him and calling him daddy.

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1 And then look at all the subsequent dates on there.
2 And what she is saying is: Daddy, I don't want to go through
3 this. Let's figure this out. Let's work this out.

4 Is that someone who's been violated? Is that
5 someone who's been violated?

6 Look, you can't blame folks for trying to make a
7 living, but that's total and separate from trying to take away
8 someone's liberty.

9 But she told law enforcement something totally
10 different. And as you can see there, she's still reaching out
11 to Mr. Kelly after all this started saying: Let's work this
12 out. I've been trying to call you.

13 And notice, he's not returning the calls. He's not
14 responding. Then at some point he says: Call me. Call me.

15 These people were not violated, but it wasn't easy
16 for the Government -- it wasn't difficult for the Government
17 to get them to say what they testified to because they all --
18 they all working on those paydays. They all have book deals.

19 And what's also very interesting about the police
20 report is that she told the police that she was infected by
21 Mr. Kelly with herpes in December. Now, she told you about
22 how hot it gets in Texas and then in April she realized, you
23 know, it was hot, she had a cold and that she was showing
24 these infections or bumps all over her face, and that was in
25 April that she saw it, that she went and got a checkup and

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1 learned that she had herpes. She told the police that it was
2 in December that she had herpes.

3 Did she get it from Robert?

4 Because what you're going to learn later about
5 herpes is that all of the women who were in long-term
6 relationships with Robert didn't have herpes, didn't have
7 herpes. The people who had herpes are the people with
8 lawsuits. And there are some of them who brought medical
9 records, but the evidence will show that the herpes was not
10 because of him, because of their own testimony.

11 I think Jane has a medical records in that says she
12 got herpes from a partner in April to August. Her testimony
13 is that the first time she -- if you're to believe her
14 testimony, is the first time that she had any relationship
15 with Robert was in October. So, she didn't get it from
16 Robert.

17 And remember Robert's doctor came and testified and
18 said that, well, he concluded that he had herpes, but he never
19 gave him a test. And I think the Government's own doctor says
20 that there's no such thing as a hundred percent. And I think
21 the most, the most telling thing that she said is that if
22 you're around someone sexually for that amount of time with
23 that type of exposure, you're going to get herpes. There are
24 people that you will hear about with him for ten years, five
25 years, seven years, twelve years -- no herpes.

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4500

1 Now, Faith also told you about how Ms. Copeland gave
2 her liquor and Ms. Copeland laughed at it, said: I don't even
3 drink. I don't even drink. Then she told you about
4 Ms. Copeland keeping her on the bus or, no, I think she said
5 Ms. Copeland went into the bathroom stall with her and she
6 thought that was weird. Yeah, that would be weird, but
7 Copeland said it never happened. Said it wasn't even a place
8 that had a stall, it was a single bathroom. And the reason
9 why she would escort them to the bathroom is because she knew
10 where the bathrooms were.

11 But again, there's an attempt to criminalize, I
12 guess, not only Robert, but Copeland because she's her -- his
13 most loyal employee.

14 And I guess the Government was suggesting that
15 Copeland kept her on a bus, on a Sprinter. Where is that in
16 the testimony?

17 Where is it in the testimony that anyone kept
18 anywhere -- anyone anywhere? Where Robert or any of his
19 employees, any of his racketeer members here (indicating)
20 prevented someone from eating? Where is that? Prevented
21 someone from leaving? Where is that? Prevented someone from
22 getting water? Which racketeering member? Oh, Tom Arnold, he
23 must have done it. No, it wasn't Tom, so let's call June Bug.
24 June Bug did it. Well, where is it in the testimony?

25 Don't be bedazzled by this statement. Again, fluff.

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4501

1 Your job is to make a decision based on evidence, credible
2 evidence, or a lack of evidence. Just because they put a
3 board up here and call these people racketeer members, the
4 racketeering members -- no, you make the decision. There's no
5 racketeer here. There's no enterprise. Nothing criminal.
6 Nothing.

7 There is not one solitary thing that they can point
8 to and say it was criminal. Nothing.

9 Now, they'll argue that it was criminal and they
10 want you to take these gigantic leaps that something was
11 criminal, but you know what, just stick with your common sense
12 and life experience. Don't be overwhelmed by this stuff.
13 Don't be overwhelmed by a board. LeLe. Come on. Cheryl
14 Mack. She may not tell the truth, but I don't know if she's a
15 racketeer member. She's not a racketeer member.

16 Your Honor, this could be a good time.

17 THE COURT: Okay, ladies and gentlemen, we are going
18 to take a break. Please don't talk about the case. We will
19 see you in a few minutes.

20 THE COURTRoom DEPUTY: All rise.

21 (Jury exits.)

22 THE COURT: All right, everyone can sit down.

23 Anything before we break?

24 MR. CANNICK: No.

25 MS. GEDDES: Yes, Your Honor.

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1 In closing arguments defense counsel referenced a
2 journal indicating that it was in evidence. It is not in
3 evidence, and I just want to make sure that counsel is not
4 going to refer to the journal any further, the contents of the
5 journal. The only thing that's in evidence is Jerhonda Pace
6 read from one excerpt that was dated January 23rd, 2010.
7 There's nothing else that's in evidence.

8 And then separately, Your Honor, I want to, but I
9 could do this afterwards, but I want to raise again our
10 request for the instruction regarding that the Government does
11 not have to prove that anyone else in the enterprise had
12 criminal intent because --

13 THE COURT: I am going to give that instruction.

14 MS. GEDDES: Thank you.

15 THE COURT: Yes, we talked about that yesterday.

16 The only other thing that I am concerned about is I
17 did make a ruling, both before trial and during the trial when
18 this came up, regarding arguments about witnesses's prior
19 sexual history and I sustained an objection, but I hope there
20 will be no similar references during the rest of the
21 summation.

22 All right.

23 MR. CANNICK: Your Honor, I guess I'm confused.

24 What argument did I make regarding someone's past --

25 THE COURT: You claimed that Jerhonda, that somebody

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1 named Bubba was her lover. There's no evidence. There's no
2 evidence of that in the record.

3 MR. CANNICK: I think --

4 THE COURT: And I specifically ruled when we had
5 this conversation, I made a pretrial ruling about it. We had
6 a sidebar conference about it and I told you, you were not
7 permitted to ask her that based on the ruling that I made
8 before court, before the trial started. In particular,
9 because you had not met any of the statutory requirements for
10 that exception. My ruling was crystal clear and I am just
11 directing you not to do it again.

12 Anything else before we break?

13 Okay, thank you.

14 (Judge ANN M. DONNELLY exited the courtroom.)

15 (Defendant exited the courtroom.)

16 (Recess taken.)

17 THE COURTRoom DEPUTY: All rise.

18 (Judge ANN M. DONNELLY entered the courtroom.)

19 (In open court - jury not present.)

20 THE COURT: All right, in the interest of not
21 killing more trees, I think we are going to wait until the
22 summations are finished because I made a few notes, just minor
23 additions, but we'll get those to you probably tonight.

24 And the additions that I am talking about are things
25 like asked questions and made arguments in summations. It's

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1 nothing substantive, it's just an update.

2 Then just to be clear with respect to the charge on
3 the enterprise.

4 (Defendant entered the courtroom.)

5 THE COURT: I am, obviously, instructing them that
6 it is not necessary to prove that every member of the
7 enterprise participated, and that it is sufficient that the
8 defendant know the general nature of the enterprise, that
9 language.

10 And then, that the Government only has to establish
11 that the defendant acted with the requisite criminal intent.
12 That is an accurate statement of the law, and I think it's
13 appropriate.

14 All right, shall we get the jury?

15 (Pause in the proceedings.)

16 THE COURTRoom DEPUTY: All rise.

17 (Jury enters.)

18 THE COURTRoom DEPUTY: You may be seated.

19 THE COURT: Okay, everybody, we are ready to
20 continue with the summation by Mr. Cannick.

21 Go ahead.

22 MR. CANNICK: Thank you.

23 Ladies and gentlemen, I am going to try to condense,
24 but there's so much to unpack and I just want to make sure
25 that I cover certain things so that you won't have any

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4505

1 misgivings in terms of what our position is. But I do want to
2 talk to you about stipulations just for one minute.

3 The Government made reference to the fact that we
4 stipulated to certain evidence.

5 What that means, ladies and gentlemen, is that we
6 agreed with the Government that if a particular witness was
7 called, the witness would give this particular testimony.
8 We're not saying that we agree with the testimony, we're just
9 saying that the witness called, the witness would testify to
10 whatever it is that the Government put on the piece of paper,
11 but we're not necessarily -- we're not conceding that we would
12 agree with that.

13 I don't want you to think for a second just because
14 we stipulated to something, that we are conceding anything.

15 And then quickly, as it relates to Sonja, just two
16 other things, two other points, is that with the kidnap, if
17 you for some reason think that this is valid testimony, the
18 kidnap has to be in secret. You know that from what she told
19 you, she told her boss before coming out that she was going to
20 R. Kelly for this interview. So, that kills any secrecy
21 there. And she also told her family, as well as I think
22 her -- the father of her child.

23 And then the other thing that I found very
24 interesting about her testimony, and I thought that the
25 Government was going to try to make some sense out of this

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4506

1 when they had the AT&T person here, but I think she testified
2 that her phone was somehow rigged so she could only call three
3 numbers. Now, a local number in Chicago and call her family.

4 I submit to you that that's just not true, and I
5 think that if there was any validity to it, they, being the
6 Government, would have gotten the AT&T person to speak to it,
7 to testify to it, and that didn't happen.

8 And then I just want to make sure that you're clear
9 that when I spoke about Jerhonda's interview with the
10 attorneys and not mentioning the T-shirt, in her initial
11 interview with them, the initial interview where they were
12 gathering information, this was the most important time where
13 she's detailing not only the facts of what happened, but what
14 pieces of evidence that she had, and made absolutely no
15 reference whatsoever to the T-shirt.

16 And then on Faith, she mentioned that she was with
17 Mr. Kelly out in Stanford -- well, out in California, and she
18 saw a gun and he had the gun next to her and somehow that
19 overbore her will and she had oral sex with him.

20 I submit to you that much of what Faith was telling
21 you was for the benefit of her monetization efforts as opposed
22 to the truth. Because you know that after, according to her,
23 this happened, she went on a couple more trips to visit him.
24 I would think that if something like that happened, you would
25 call off everything there.

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4507

1 And this, remember also that she agreed that she
2 appear on a television show where she just told the whole --
3 let's not make any mistake, let's not -- let's be clear here.
4 I was not a victim, I made a choice. This is what I opted to
5 do.

6 THE COURTROOM DEPUTY: Mr. Cannick, sorry, she needs
7 you to slow down.

8 MR. CANNICK: Oh, I'm sorry. For the benefit of the
9 time, I was trying not to slow down.

10 So, she said that on that television show, I made a
11 choice. As an adult I made a choice, and the choice was to be
12 with this man. And the man that she was talking about was
13 Mr. Kelly, and that she was not a victim and does not perceive
14 herself as a victim.

15 Now, I am going to move now to, I think, Angela is
16 what she testified under. And she said she was 16 years old,
17 even younger when she initially met Mr. Kelly and she was a
18 part of a dance troop and she traveled on the road with him
19 and others and danced in arenas. And I think she mentioned in
20 D.C.

21 And a simple question, where, where in D.C.?

22 If you're on the road, I would imagine, and you're
23 dancing and you're with R. Kelly and you're excited about it,
24 you're always gonna remember where you were, especially in a
25 particular city. She had absolutely no recollection. In

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1 fact, she was incredulous when asked her about it. What,
2 25 years ago? You want me to tell you that? But then listed
3 all the other details that she supposedly told us. But the
4 most important thing about her testimony, I asked her: Had
5 you ever, ever, ever told anyone that R. Kelly violated you?
6 No.

7 You were working with Surviving R. Kelly, did you
8 tell them? No.

9 She said no because it didn't happen.

10 Now, Addie told you that she met R. Kelly in 1992,
11 and in the paper work she said 1994. She said she was 17,
12 almost 18. Mr. Kelly made an announcement for people who
13 wanted to come backstage for an autograph, to do so that you
14 would have to be 18 or over. That even though she was not 18,
15 she went in the back and she said Mr. Kelly violated her.

16 Now, according to her this happened in 1992 or 1994.
17 Never told anybody about it. And she kept a signed program
18 that Mr. Kelly gave her. In fact, you saw the program here.
19 Again, I think it's the same proposition. Someone violates
20 you so personally and with such devastation you are not going
21 to keep a program for 25 years in your memorabilia box. You
22 know, you may have it against a tree shooting at it at night,
23 but you're certainly not going to have it in your memorabilia
24 box.

25 Now, Kate, she told you when she met Mr. Kelly she

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1 was 27 years old and she was a professional. She would see
2 him sporadically because of his schedule and because of her
3 schedule. She told you that when she met him that she had to
4 go through his security and, basically, took the ID. And the
5 thing that's most important about her testimony is that they
6 saw each other for a period of time, a substantial number of
7 years, and that there was never any violence, never any denial
8 of food or a bathroom, never anything of the sort. And
9 Mr. Kelly never asked her to write any letters.

10 In fact, I think what she did tell us, or it might
11 have been another witness, but it was either her or the other
12 witness, told us that what they did was helped Mr. Kelly to
13 write lyrics once because he had some lyrics in his head and
14 he was trying to get it down and he was trying to remember it,
15 and she wound up writing the lyrics, but not any letters.

16 She told you that she, too, sued Mr. Kelly, at some
17 point got a settlement. But, again, after getting the
18 settlement, she, too, wanted to get back with him. And he
19 refused that, of course. And she's tried for years to get him
20 to date her again and that didn't happen. And, again, her
21 lawsuit was brought by Susan Loggans. But we never saw any
22 evidence of any herpes that she supposedly had, no medical
23 records or anything to corroborate it.

24 And then we heard from Alexis. And Alexis, again,
25 was one of those witnesses that the Government did not -- they

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4510

1 brought her here, and I guess they thought the 50 hours of
2 prep would have made a situation where she would follow the
3 party line and say what they wanted her to say, but what she
4 did tell you? She said that she was at Mr. Kelly's concert
5 when she was 15, 16 years old and that she was there with her
6 parents. And Mr. Kelly and someone invited them backstage and
7 they all went, the family, and hung out for a while. Then
8 they went to a lounge. I don't remember the name of the
9 Lounge, but they went to a lounge. And after the lounge they
10 went into IHOP, and it was a situation where they hung out for
11 a long period of time and then at some point she reached
12 back -- oh, she reached back out to Mr. Kelly and they went to
13 the mall. She went and she met him up at the mall the next
14 day, and he told her to get -- to go to the bus, he'd meet her
15 there. He continued to shop for a couple hours. They met and
16 they hung out, had a good time. And they mentioned their
17 particular ages and he told her: I'm okay with a platonic
18 relationship. That was her word. And that's what she said
19 that Kelly told her, a platonic relationship.

20 And the Government really twisted her arm to say
21 that Mr. Kelly had sex with her between 15 and 16 and 18, but
22 she came here and told the truth. She did not follow what
23 they wanted to say. She said -- well, did you visit him when
24 you were 16? Did you go to his place? And she said: Well,
25 16, 17.

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4511

1 And they produced the airline ticket and she did not
2 have a problem with that. And then she said: Yeah, I went
3 there.

4 What did you do?

5 I think we went shopping, we went to dinner, we went
6 to the movies.

7 And no sex?

8 No sex.

9 And what about the next year?

10 No sex.

11 What about the next -- when did you have sex?

12 She said: I'm sure it was after I was 18.

13 Now, why is that important? Because, see, their
14 narrative is they believe that Mr. Kelly, he's just gonna
15 pounce on them. And it's just like, okay, you're coming to my
16 den and I don't care if you're nine, I don't care if you're
17 thirteen, I don't care what you are. I have you now in the
18 public eyes and I'm gonna have sex with you.

19 Well, Alexis came here at the age of 31. She's a
20 registered nurse and she told you that: Look, this is what my
21 situation was. But see, she supposed to be a pattern and
22 practice. She's supposed to come in and give you testimony to
23 show you Mr. Kelly's pattern and practice. She did. His
24 pattern and practice is if you're not 18, I'm not -- I'm not
25 fooling with you. Yeah, we can hang out, we can be platonic

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4512

1 friends, but that's it. But the Government really browbeated
2 her on the stand because they wanted to hear there was sex
3 before 18, but she told you the truth.

4 What else did she tell you? And I think this is so
5 important to this case because she told you that when they did
6 start having sex, they had threesomes. Remember, that she had
7 threesomes. She told you that Juice, I think, was one of the
8 people that she had the threesome with. But what else did she
9 tell you? She told you that back in those days, they were --
10 they had BDSM. BDSM, same sex he was having with Anna, as
11 well as others.

12 So, when you saw that video the other day, the video
13 that didn't come in when Anna was on the stage, was on the
14 witness stand, the video came in after she was gone because if
15 the video was played when she was on the stand, then: Okay,
16 this was something you consented to, right? But we couldn't
17 get that because they brought it in after she was gone.

18 This is scat sex, right? S-c-a-t sex, right?
19 Couldn't ask her that because she's gone. But people get in
20 relationships, in special sexual relationships because they
21 have the same interests. And now each one of these witnesses
22 who come in because they're monetizing it.

23 Well, you didn't want to do that, right? No.

24 Mr. Kelly made you do that, right? Yeah.

25 Well, so Mr. Kelly made you do that for 15 years?

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4513

1 Yeah.

2 Three years? Yeah.

3 Two years? Yeah.

4 And you didn't want anything to do with that? No.

5 Come on. Come on.

6 People find sexual partners with the same interests.

7 Even -- even I think, what are their names, Louis and Alex.

8 They're involved in threesomes. You don't want to -- now,

9 they're grown men, healthy, big strong guys, twenty-something
10 years old.

11 You don't want to be involved in a threesome, right?

12 No, no, no, no.

13 Mr. Kelly made you participate in a threesome,
14 right? Yeah.

15 Come on. Come on. Come on.

16 Well, I can understand why Louis will come and say
17 it, it's because Louis has a cooperation agreement with the
18 Government. So, now Louis has got -- he has to say whatever
19 the Government's truth is, that's what he's tied to, because
20 if he doesn't testify in a manner the Government says is
21 truthful, he doesn't get the benefit of that cooperation
22 agreement.

23 And the other one, I can't remember what the name he
24 was using, but he's his best friend. They've done robberies
25 together. In fact, one set it up and the other one tried to

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4514

1 help him pull it off. They've stolen from Mr. Kelly together.

2 These are their witnesses. And when they tell
3 you -- when they told you that it's, yeah, he made me do it,
4 they expect you to believe that a hundred percent.

5 You can consider their backgrounds, it's part of the
6 charge. It's part of the charge. You can consider that
7 cooperation agreement as well, and their convictions.

8 Alexis also told you, and what Alexis told you
9 totally debunks what the expert was telling you, because she
10 was telling you she was in a long-term relationship with him.
11 His money never became an issue. She, even though she was
12 dating him, got involved with another relationship, had a
13 baby. But, you see, according to the expert this isn't
14 supposed to happen because he's supposed to have such control
15 that that's never supposed to happen. But she left him, had a
16 baby with another man. Then she reached back out to him and
17 then started a relationship again. The relationship was for
18 about a 15-year period. Totally debunks what the expert is
19 saying. And you know what he told her when she was going to a
20 relationship: Just make sure he's good enough for you. Just
21 make sure that he's good enough for you.

22 You know, I told you that Alexis and Robert was in a
23 relationship for about 15 years. And I told you that in the
24 relationships that he had that were long-term like that, there
25 were no herpes. Alexis had no herpes. Sex with him,

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4515

1 15 years, according to their expert if you have that type of
2 exposure, has to be herpes. No herpes. No herpes.

3 See, Alexis is a registered nurse. She has her
4 career. She didn't have to keep the narrative going, that's
5 why I think she could say no, I'm gonna tell the truth. You
6 can beat me up on the witness stand, you can beat me up in
7 your office, I know what the truth is. I'm not here to hurt
8 anybody. I'm just gonna tell you the truth and go back about
9 my life.

10 So, just to talk about the expert just for one
11 minute. The expert came and gave you broad strokes on theory,
12 what certain things should look like. She has not spent one
13 minute with any of the young ladies involved here. Not one
14 second. Has not read the transcripts. Not made any
15 observations. So, the Government wants you to believe, oh,
16 oh, that's control, you know, coercive control.

17 Come on, it's theory. That's what you have. Theory
18 is a broad-based notion, but there's a subjectivity that is
19 being employed as well. And you heard nothing because the
20 expert could give you nothing. She's not spent one second of
21 not even speaking with the so-called victims, but reading the
22 testimony and even looking at them. She came, collected her
23 money, gave you a broad-based theory, and left.

24 Anna. She told you how they met, Robert and her, at
25 a concert with her mom. They went into the dressing room.

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4516

1 She and Robert spoke. They exchanged information and, unlike
2 what the Government would have you believe, Robert never
3 reached out to her. Just like in most situations, never
4 reached out to any of these women. Never. They reached out
5 to him. But after she reached out to him, they spoke. And
6 that was it. Then about two months later, she called again,
7 they spoke, and that was it. And then there was a time where
8 he was someplace where she was, she and a friend dropped by
9 the hotel, they spoke, walked around for a little it. She
10 left, he left. Then after a couple other months, he's in
11 Atlanta, she's in Atlanta, and she stops by. And I think they
12 meet at the cigar bar. And then after that a relationship
13 developed. A relationship developed and that relationship
14 turned out to be a long-term relationship. They would hang
15 out. Eventually she moved in with him, but she had her own
16 apartment. And an apartment that she had that he, ultimately,
17 started paying for, but she told you she would go back and
18 forth. Back and forth.

19 Now, she also told you that they had many split-ups,
20 many split-ups. But you know what's interesting, they want
21 you to believe that he was holding people against their will.
22 But guess what, whenever any of these women wanted to leave,
23 who was paying the airfare?

24 Anna made that abundantly clear. It was one night
25 they had an issue in Mississippi and then she decides I'm

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4517

1 gonna leave, and then she gets to the airport, no more
2 flights. And he's concerned for her safety, so he rented a
3 room for her at a hotel and then he paid her to go.

4 Is that a predator?

5 Is that someone who's holding you against your will?

6 None of these ladies stayed there because he told
7 them they couldn't leave. They stayed there because of their
8 affection and because of their lifestyle. Yes, just like any
9 other relationship, they had moments where they split.
10 Someone went home. Someone got angry. Someone argued.
11 Someone yelled. But they returned, and when they wanted to
12 return, they asked him, he paid the ticket for them to come,
13 just as he paid the ticket for them to leave when they didn't
14 want to be there any longer.

15 That's the predator.

16 What else did the predator do?

17 Well, Anna had a birthday. He had his entire band
18 flown in to give her a party where he gave her a full concert
19 where he's singing to her. Her family is there. The predator
20 brought in the family. The family could steal her away from
21 the predator. The mother is there. The sister is there. The
22 friends are there. That's what this predator did.

23 And then what else? The predator would take her
24 shopping every weekend, her words. They'd go out to eat every
25 night. He paid for her cosmetic surgeries. He paid for her

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4518

1 lifestyle. She told that you when they would go to concerts
2 and he would get a wad of cash, back-end money, he would give
3 it to her, as he would do with the others.

4 Is that coercive control?

5 He's not asking anybody for anything.

6 I said earlier that he treated them well. He gave
7 them a tremendous lifestyle. He lavished them. And what else
8 did he do? He told his assistants who he hired to care for
9 them: Whatever my girlfriends said happened, that's what
10 happened. So, what he's saying is: Look, I put them above
11 everyone else. Everyone else.

12 You're not gonna say that on behalf of someone that
13 you're holding captive. What you're saying is that I love
14 them. I care for them. I treat them well, and I'm not gonna
15 to let anybody, anybody do anything that they don't like it
16 being done to them. So, if they said that you did it, damn
17 it, you did it.

18 So, what else?

19 The predator heard that her mother, that Anna's
20 mother wanted her to be there with the family for Christmas.
21 Anna wanted to stay with him. He says: No, no, you're gonna
22 go with your family. You're gonna have Christmas with your
23 family. That's what this predator did. He said: I will have
24 a Christmas party with you, we'll celebrate when you return,
25 but you're gonna be with your family.

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4519

1 That's not what the predator is supposed to do. The
2 predator is not supposed to pay their way, let them go and be
3 with their family. No. They told you, they told you that he
4 secreted them, that he kept them from their family, that he
5 isolated them. Each and every one of these women, every one
6 of them, were in contact with their family and they went home
7 and they traveled.

8 You can't prosecute him on that narrative. You have
9 to prosecute him on the evidence or lack of evidence. There's
10 no one who said he denied me going to my family, gave any
11 credible evidence of that.

12 We're gonna talk about Jane because she said some
13 things, but we want you to look at all the testimony. He also
14 provided Uber accounts for them, car service. Paid for their
15 air wherever they wanted to go. The lifestyle, we're going to
16 Snoop Dog's wife's birthday party. You saw the outfit that
17 she had. Everybody's supposed to be in baggy clothes and
18 everybody is supposed to be in a situation where not make
19 yourself too attractive because other men will look at you.

20 Well, look at this photo.

21 (Exhibit published.)

22 MR. CANNICK: Is that baggy clothes?

23 I would submit to you that it's a beautiful outfit.
24 It's a sexy outfit. Men are gonna look at her. Men are gonna
25 look at her. But they want you to believe that he wanted us

Summation - Cannick

4520

1 in baggy clothes, not look good, not talk to people, look at
2 the wall.

3 What Anna also told you is that when you consider
4 the video that you saw, please remember this, Anna told law
5 enforcement that I don't do -- I didn't do anything that I
6 opposed vehemently. Everything -- if I opposed something, I
7 wasn't gonna do it. And she said that there was no issue if
8 she opposed something.

9 She talked about some punishments. She said: Well,
10 those punishments would only be if I lied about something, not
11 because I refused to do something. She said that I stand up
12 for myself, I speak for myself, and I take care of myself. If
13 I don't want to do something, I'm not gonna do it.

14 Keep that in mind when you want to consider those
15 videos. People and their sexual habits and interests are
16 theirs, it's personal. It's not normal. For them, see, it's
17 easy to say: Well, I didn't want to do it; because now you're
18 monetizing off of R. Kelly.

19 And as I mentioned before, if you don't keep up with
20 that narrative, it's not out there, there's no more money to
21 be had. So, you have to keep the narrative up.

22 I asked her about things that she said about
23 Mr. Kelly and their relationship on the television program, on
24 the radio program she went. She said: Well, I didn't know we
25 were gonna talk about that.

Summation - Cannick

4521

1 What do you mean you don't know what you're gonna
2 talk about? Why would they have you there?

3 The reason why you're there is because you were
4 dating R. Kelly and now he's locked up and he's the talk of
5 the town. So, why else you think you're there? That was just
6 an excuse to try to satisfy the Government's narrative and her
7 narrative. Well, I gave that answer -- because that answer
8 was complimentary. The answer spoke of a healthy, good
9 relationship. So, she can't -- she can't endorse that now, so
10 she had to go: I got caught off guard, I didn't know why I
11 was there.

12 Come on. Come on.

13 She told you that there came a point in time that
14 she left Mr. Kelly, she left the relationship. Why? Not
15 because she didn't like their sex games that they would play
16 anymore, she left the relationship because she was tired of
17 having Mr. Kelly see other women.

18

19 (Continued on the following page.)

20

21

22

23

24

25

Summation - Cannick

4522

1 MR. CANNICK: That's the only reason why she left
2 the relationship. Now, when she went into the relationship,
3 she was okay with it. In fact, she was okay with it for
4 reasons -- because one time she asked, well, Call nephew.
5 Why would she be asking to call nephew. So she left because
6 she just figured, Look, me and you. I want me and you.
7 Just like Jane, I want me and you, me and you. Because I
8 guess at this point in time, they just decided, Look, I
9 don't want to share any longer.

10 But the -- what I hope you take from this is that
11 never, never anything coercive. Everything's adult here
12 involving a long-term, consensual relationship traveling
13 across, not only the country, but the world together. It's
14 not Manhattan. There's no flying across the state line for
15 the purposes of sex. This is a relationship.

16 And you know what? Also in that relationship
17 there were times when the relationship wasn't going well and
18 she got involved in other relationships. According to --
19 according to the expert, it's not supposed to happen, but
20 she got involved with a football player.

21 MS. SHIHATA: Objection.

22 THE COURT: Sustained.

23 MR. CANNICK: It's in the record.

24 THE COURT: I sustained the objection.

25 Well, let me just say this: The jury's

Summation - Cannick

4523

1 recollection of the evidence will control.

2 MR. CANNICK: Okay.

3 Ladies and Gentlemen, as I said earlier when we
4 spoke, it's your recollection. Now, if you find out that
5 I'm mistaken about something, it's not with the intent to
6 deceive you or mislead you. It's just that that's my
7 recollection, and it could be faulty. But I recall her
8 testifying that she got in a relationship with a football
9 player and then at some point with a rapper.

10 THE COURT: And, again, the jury's recollection of
11 the evidence will control.

12 MR. CANNICK: Now, you also heard from the
13 Mayweather twins. They admitted that they were a bit nosey
14 into Mr. Kelly's business, and they seemed to draw a lot of
15 conclusions and assumptions. But the bottom line, they said
16 that they never saw anyone being held against their will,
17 food being denied, water being denied, being denied to use
18 the rest room. They said Jane was in the bus for a long
19 period of time and then in the room for a long period of
20 time. In the room, Jane had in that room a refrigerator and
21 a bathroom, and the bus had the same accommodations. And we
22 don't know why Jane was in the room. But one Mayweather
23 said that Jane had not completed her work, she was doing her
24 homework.

25 We also know from one of the -- from the

Summation - Cannick

4524

1 Mayweathers that Jane was lazy. Jane did not practice.
2 That's in the testimony. And Jane didn't do her homework,
3 and Mr. Kelly would still tell her, you know, You have to do
4 your homework or you have to practice. Jane told you --
5 we're going to get to Jane in a few minutes -- that
6 Mr. Kelly did zero, zero to further her music and career.
7 The Government asked her that.

8 But in the 302s -- that's why you can't tarry
9 things. You can't pick what fits your narrative. In the
10 302s, in her interview with the Government, she said
11 Mr. Kelly gave her 35 hours -- 35 minutes to an hour to help
12 her with her music. She didn't say whether or not that was
13 per day. But then she had gone on to say that, He also told
14 me that I'm not putting up my end for my music career. I am
15 not doing what I should be doing. And he also said that I'm
16 lazy. So zero interest. But then she also told her friend,
17 He gave me some songs to sing. She -- she was all over the
18 place.

19 Jane, I think, had the appropriate song that she
20 put out: "Liar Liar." I mean, I'm just being blunt. When
21 you go over her testimony, you will see that at least 25
22 times I confronted her with prior statements that she made
23 to law enforcement when they were interviewing her that
24 conflicted with what she was saying on the witness stand.
25 And the Government accepted that. They tried to get to you,

Summation - Cannick

4525

1 Well, you didn't -- you didn't read those after they were
2 written, right? On there, it says it's not verbatim. When
3 you look at them, when you look the evidence, you'll see
4 that, hey, don't try to sell me this verbatim junk. Apples
5 and oranges. Apples and oranges. Apples and oranges.
6 There are things that she said to law enforcement that had
7 nothing to do with making a mistake on the paper like, My
8 mother told me to lie to Mr. Kelly, tell him that I was 18.

9 It's not anything when you look at it that
10 verbatim there, because it's not verbatim to you, that it's
11 mistaken. That's clear. And that's what she told them.
12 And she went on to tell them that, My mother said if I tell
13 you -- if we told him that I was under 18, he wouldn't want
14 anything to do with us. He wouldn't work with us. He
15 wouldn't do anything. And she was right, because having
16 been half burned before, he's not taking that risk. He's
17 not taking that risk. Everyone that he met, everyone that
18 came around, How old are you? How old are you? How old are
19 you?

20 In Alexis's situation, met her family, thought she
21 was a nice person, and in fact said, Okay, we'll have a
22 platonic relationship. And she said they kept that
23 relationship platonic. Kept it.

24 Jane had said, oh, you know what, the first time
25 we met, he had me up over at the Dolphin for an audition and

Summation - Cannick

4526

1 he -- there was a sexual encounter. She gave three
2 different versions of that sexual encounter. Three. It's
3 in the record. I'm not going describe it. She gave three.

4 And then -- what else did she say? Well, she said
5 that it was an audition. But you don't have to be 18 to be
6 in an audition. So that's why the mother and father kept
7 insisting, Tell him you're 18. But you don't have to be 18.

8 And she went up there, according to her -- and law
9 enforcement eventually went up there because the parents
10 sent them up there. In one of her letters that she
11 supposedly said Robert told her to write, she said, well,
12 her parents did that because they were trying to set him up
13 because they hoped by that time he would have been involved
14 with her sexually. So that's, ah-ha, now we don't have to
15 wait. Our payday is in. We don't have to try to sell him
16 on the idea of a -- of a Bluetooth build -- buildup. We
17 don't have to go with the food truck. We don't have to try
18 to get a job from him. We -- we don't have to try to get
19 his a writing contract because, ah-ha, law enforcement got
20 him. So we -- we can't -- we can't prosecute -- can't
21 prosecute because then that will kill -- that will kill the
22 golden goose, but we -- we have him in a compromised
23 position.

24 But what happened is when they got upstairs, when
25 law enforcement got upstairs, Kelly was giving her an

Summation - Cannick

4527

1 audition. And law enforcement knocked on the door. He
2 answered the door. Nothing was amiss. They checked her
3 record, her driver's license or her ID; and something about
4 it -- even though she said she was 17, they said she was 18.
5 I asked, Did they study -- did they study your
6 identification? Yes, they studied it. They studied it.
7 And they -- they made her get on the phone and call her
8 parents. Parents confirmed. Everything's okay.

9 But the parents didn't say, You know what? We
10 sent the cops up there. We don't like this. We're bringing
11 you down. Come on. Let's go home. Let's go home now.
12 They didn't do that. So you're grown. Go on and handle
13 your business. Go handle your business.

14 Now, according to her, she was violated. She
15 stayed there. She stayed there, and then at some other
16 point, she met Kelly. But they maintained that narrative
17 even though law enforcement was there. Why? Why? She told
18 you that her mother was setting up the scheme to one day
19 exploit him. And I'm going to show you how they carried
20 that out. Until she wised up and decided, I don't want do
21 it anymore.

22 So, they then went and asked Kelly if he would go
23 on the road -- she could go on the road, and they took
24 her -- they took their daughter out of school, basically,
25 and sent her on the road with Kelly.

Summation - Cannick

4528

1 And then Jane told you that there was a trip to LA
2 and they had sexual intercourse. Well, you know that's not
3 true because -- another reason why you know that's not true
4 because, one, you will see in the evidence that Kelly sent
5 her a text message saying, you know, don't look at it as
6 being a wasted weekend just because I didn't get to spend
7 any time with you, but just listen and try to remember the
8 things I told you. Didn't get to see you, so just remember
9 the things I told you so that you can try to apply it when
10 you go out on the road and -- in your career.

11 So you know he wasn't in LA because you had that
12 text in evidence. I'm trying to find it, but I'm also
13 trying to move on -- it's in evidence, Ladies and Gentlemen.
14 You'll see it. He told her.

15 And you know what else happened during that trip?
16 She also was texting with her mom. She texted with her mom
17 and told her mom that, Well, he has me in these sweat
18 clothes, baggy clothes. Now, if that's his rule, mother was
19 made aware of it on the first trip. Mother's aware of it
20 because she said, He doesn't want me in clothes that show my
21 figure, or whatever she said relating to that. Mother was
22 aware of it.

23 Mother was also aware that he told her that, Look,
24 the others can go, but you have to stay upstairs. Mother
25 was aware of it because she mentioned the rules to her

Summation - Cannick

4529

1 mother. So, at that point, if mother thought it was an
2 issue -- you know, We can't go for that, I want you to come
3 home. I want you to come home. I don't like those rules.
4 But Mother never, ever bailed. Mother never, ever created a
5 fuss. You know when Mother created a fuss? When the last
6 deal, when the last harebrained scheme that they came up
7 with, which was the dildo, that he said, no, it's not -- not
8 good for me. I'm not doing that, that's when -- they
9 started making noise, Oh, we haven't seen our daughter.
10 Well, now your daughter's almost 21 years old. Oh, you're
11 holding our daughter.

12 And you're going to hear the tape in just a little
13 while, the daughter is saying, No, he encouraged me to stay
14 in touch with my family. I made that decision because you
15 would want the money, you would curse, you would yell, you
16 would scream; and I'm not letting you take that away from
17 me. I'm not letting you take away my good time, so I made
18 that decision. Robert would tell me, Hey, is that your
19 parents? Call your parents. But she made that decision.

20 And let's go back to the earlier part of her being
21 robbed. Even the Mayweather -- even the Mayweather sisters,
22 the consultants for *Surviving R. Kelly*, they came in. I
23 said, Well, didn't you tell the Government that the parents
24 would call often? Yes. And didn't you also describe to the
25 Government that the conversations would be happy

Summation - Cannick

4530

1 conversations? Oh, no. Oh, no, Mr. Cannick. You're not
2 going to -- you're not going to trick me there. I didn't
3 say those conversations were happy. Okay. Well, isn't it a
4 fact -- Look at the document. Didn't you tell the
5 Government on this particular date that the conversations
6 seem to be happy ones? Yeah, but I don't remember saying
7 happy. It's there, right? That's not -- that's not a
8 verbatim issue. Happy is happy. That's what she said.

9 What she also said is that the parents would come
10 to visit her. She also said the brother would come to visit
11 her. The sister would come to visit her. What else she
12 said is that he would pay for those trips. He was the one
13 who paid for the hotel, the air. He paid for her to go back
14 down to Florida. And remember, she told you that after they
15 started a relationship, she left him several times.

16 Where's -- where's the confinement? Where's the
17 isolation? Who was left? Who's been isolated? He's the
18 one who's sending them home whenever they asked.

19 Then Jane just told you lie after lie after lie.
20 Well, you know what? He doesn't celebrate holidays. He
21 doesn't celebrate Christmas. Then I showed her the
22 evidence. Well, I -- I meant he celebrated them belatedly.
23 Belatedly? When he gave you those -- \$10,000 to go out and
24 buy Christmas gifts. They weren't belated Christmas gifts,
25 they were -- he gave you \$10,000 for you guys just to shop

Summation - Cannick

4531

1 for each other, right? Yeah.

2 Not for any -- not for yourself, just to shop for
3 each other? Yeah. He had two Christmas trees, right?
4 Yeah. He rented houses in the mountains so you can
5 celebrate Christmas? Yeah. He bought you a dog, an exotic
6 dog? Right. Somebody was fired because they couldn't find
7 the dog..

8 She has -- didn't Kelly put you on a pedestal?
9 No, no. And then the next day, I'm cross-examining her, and
10 I asked her, Well, didn't -- Well, it's not my fault that
11 he put me on a pedestal. So just yesterday, sworn testimony
12 to this jury, you told them that he did not put you on a
13 pedestal. Which one is it, lying then or lying now?

14 But that's much of it for most of these witnesses.
15 They just told you different scenarios, scenarios that fit
16 the narrative. I asked her -- and this is where the
17 Government totally tried to mislead you. Remember about the
18 knocking on the bathroom door of the -- of the tour bus?
19 Well, Mr. Kelly would have you knock on the bathroom door,
20 right? Yeah. Now, what they wanted to sell you is that she
21 was locked in the bathroom, he had her confined to the
22 bathroom. And had I not known what they told the agents --
23 it's a good thing they kept great notes -- that the reason
24 why they knocked on the bathroom door, it was a security
25 issue. The microwave was there. People carrying hot items.

Summation - Cannick

4532

1 And that rule applied to everyone, not just Jane. But they
2 brought it up as if this was situation to confine Jane.
3 That's misleading. That's unfair. That's not true.

4 Copeland had to tell you, no, that applied to
5 everybody. Knocking in the house when you're in one of the
6 homes or the studio. Knocking. On the direct examination,
7 you were under the impression that only applied to the
8 girlfriend. That applied to everybody. They're misleading
9 you because they're trying so hard. You have to demand
10 credible evidence. She even -- the little things.

11 The night she went to the concert. Now, it's in
12 the report that she got on the speaker and she was twerking
13 and -- well, weren't you twerking on the speaker? No, I did
14 a dance. What dance? I did a dance that everybody else was
15 doing. Come on. You know you were twerking. I'm not
16 saying there's anything wrong with it, but just tell the
17 truth. No lie can live forever.

18 She told the agents when she went to this
19 Dolphin Hotel that -- she told several different stories,
20 one that she wore an outfit, crop-top blouse and skinny
21 jeans, trying to perpetuate a sexy look for Mr. Kelly. But
22 in one of the interviews -- again, the agents, they took it
23 down, she told them, I was wearing baggy clothes, sweaty
24 clothes. I just got back from weightlifting class. Now,
25 you know that's not true because she told you she didn't go

Summation - Cannick

4533

1 to weightlifting class. She didn't go to any of those
2 classes; that after school, she went to her friend's house
3 and changed into the outfit. It was just lies after lies
4 after lies. And that's -- that's definitely beyond a
5 reasonable doubt.

6 She told you that Kelly -- when she met Kelly when
7 she was doing the audition, she was very much into trying to
8 make sure that her career would be furthered by his help.
9 And I said, Well, weren't you taking a break from music?
10 And she knew that I had these reports that she told the
11 agents. Well, I was transitioning. Transitioning? What
12 does that mean? That means you're caught in a lie, that's
13 what that meant. You're caught in a lie, so I'm going tell
14 you I was transitioning.

15 She didn't want to do music because she told you
16 her parents would beat her to make her do music. And she
17 also told you that Kelly said, You're lazy, you're not
18 pulling your weight, and you don't want to do music, you
19 don't want to practice. She said to them, I have a hard
20 time practicing. She didn't want to do music. But she will
21 tell you, Well, you know, being in that relationship with
22 Kelly, that impeded my career, that affected me from going
23 out and making a living. The best living she ever had was
24 when she was with R. Kelly.

25 The night after she got -- she went to the

Summation - Cannick

4534

1 Black Panties Tour and she got a panty and she made it seem
2 as if he gave her, specifically her, a panty. No. It's the
3 Black Panties concert. He threw it out there, and people
4 get a panty. But she posted it because she was happy about
5 it and she wanted you to believe he gave me a panty, yo, so
6 he must have been interested in me, he must have liked me.

7 I asked her about when she got with Mr. Kelly and
8 started having a relationship, at that point, were there
9 women who would be girlfriends with Mr. Kelly who did not
10 live there on a full-time basis where they would go back and
11 forth? No, didn't happen. And you know that's a lie
12 because Copeland told you that "Juice" had her own
13 apartment, had her own car, had her own job. She also told
14 you about another people -- Sarah, Dominique, others -- who
15 didn't live there on a consistent basis. But to tell you
16 that lie, it was necessary because that maintained the
17 narrative, that no one could leave, no one -- people were
18 stuck there.

19 And, you know, one of the things that you hear is
20 that you try -- you decide the case on the evidence, or lack
21 of evidence. And the Government made a lot of testimony --
22 people made a lot of allegations about "Juice." Well,
23 where's "Juice"? Why hasn't the Government called "Juice"?
24 They told you that "Juice" did this and "Juice" did that.
25 Why didn't they call "Juice"? Don't tell me that they

Summation - Cannick

4535

1 couldn't get "Juice" because every witness that they put on
2 the stand, they asked, Do you want to be here? No. Well,
3 none of them wanted to be here, according to them; but they
4 got them here. The Government got them here. So don't tell
5 me they couldn't get "Juice" or they couldn't get Dominique.
6 What was said about her? Supposedly she was physically
7 abused, supposedly she was beaten by Kelly. Who would be
8 better to give you that information but Dominique? And
9 don't say they can't. You know what? You could have gotten
10 her. No, it's not my burden. It's not my burden. The
11 burden is theirs. The burden is theirs, the evidence or the
12 lack of evidence. They could have brought "Juice" in to
13 you. They could have brought Dominique. But they opted not
14 to do so, and I think you can figure out why.

15 Now, another thing about Jane wanting you to
16 believe that she was in a situation where Mr. Kelly was
17 keeping her and she didn't want to be there, isolating her.
18 You heard that there were a number of wellness checks done,
19 both in Chicago as well as in Atlanta. Now, she told you --
20 she was very adapt, Well, they were never alone. Come on?
21 You think that someone in law enforcement would come and do
22 a wellness check and have the person who was supposedly --
23 the person who's creating the issue, to have that person
24 participate in the wellness check? Do you think that's what
25 law enforcement was now? No, they were wrong.

Summation - Cannick

4536

1 But there were no issues. There were no issues
2 because she was having the time of her life, and when we
3 play the video -- when we play the audio, you will hear
4 that, because on that audio -- it's an audio after she's
5 back with her family, and she's back with her family now
6 because Mr. Kelly is in jail on these charges. So she's
7 back with her family, and she and her dad are having a
8 conversation and she's setting the record straight. She
9 doesn't have to worry about Mr. Kelly, any type of abuse,
10 any type of violence, anything. She is away from him long
11 enough. But listen to what she said to him when -- when --
12 when he tries to create a narrative and she shuts it down.
13 Not only does she shut that down, but there's a message --
14 or I think it might have been a text message response that
15 she sent to someone and she says, Baby, I ain't never been
16 held against my will. But now, you don't want her on the
17 witness stand? Because now she wants a book. Now she wants
18 a deal. Now she wants to monetize it. Now she's preaching
19 the same -- the same story that her family is preaching.
20 They want money. R. Kelly is no longer available to give
21 her money, to give her that lifestyle.

22 Now, one of the things that the expert said is
23 that, Well, the person who has the most money, that's the
24 person who can exert force and control. Well, what happened
25 here is that after *Surviving R. Kelly*, the record company

Summation - Cannick

4537

1 says, You know what? You're toxic. Can't play your music
2 anymore. The concert halls say, You're toxic, we can't have
3 you here anymore. Then his money started drying up. And
4 guess what happened? Guess what also dried up? His love
5 life. His love life. Who was using the money to control?
6 His money dries up, they fly away. And do you know where
7 they flew to? *Surviving R. Kelly.*

8 Oh, he abused me. He wouldn't let me eat,
9 wouldn't let me pee. He wouldn't give me any water. You
10 heard the lifestyle that they had. It's nonsense. But they
11 have -- they have to buy that narrative. They have to sell
12 that narrative now, because where else are they going to
13 make music? How else are they going to make money? They
14 have no skills. But he loved them. He loved them as a
15 family.

16 I think one of the witnesses said, he asked them
17 at a concert, Where is my family? Where did you put my
18 family? But they want you to believe that he's flagrantly
19 taking them across state lines for sex.

20 It may not be your lifestyle. It may not be mine,
21 but it's his, and it was theirs. They all signed up for it.
22 They say something differently now, but you know what they
23 signed up for. And after the money is gone, they're gone.
24 And he's there.

25 We know that the mother had this agenda because

Summation - Cannick

4538

1 the mother says to her, Take pictures of him, the kissy-face
2 ones because I may have to use it to exploit him to the
3 media. Do you have that? And she -- "she" being Jane --
4 took pictures when they were at a photo shoot, those type
5 pictures, because she was part of the scheme to defraud him.
6 And then she didn't send it to her mother. She sent it to
7 her best friends. You have the text there. She told her
8 best friend, Save these bitches. Put these bitches away
9 because I may need them. The same type pictures that her
10 mother asked her to get, she's now -- she got them and told
11 her best friend, Save these bitches.

12 Put it on the screen for me, please.

13 (Exhibit published to the jury.)

14 MR. CANNICK: While he's doing that, it's on
15 Page 1139 where the mother told her to take these type
16 pictures of him because she might want to exploit him. It's
17 1139 through 1141. He was the meal ticket; not only the
18 golden boy, but the meal ticket.

19 Since I just gave you a couple of pages, I'll also
20 give you Page 814. That's where the mother -- she's telling
21 the mother about he ain't like my tights, showing my figure,
22 they're loose. And on Page 813 that, He has me in sweats.
23 And then on 811, He had expressed to me to let me know any
24 time I did leave or where I was going. So they couldn't get
25 that, Well, he told me not to leave the room, so the truth

Summation - Cannick

4539

1 of the matter is that he said she could leave the room. Let
2 me know if you're leaving the room. He's -- he's the person
3 who is responsible for everyone.

4 And then on Page 815, that's where he tells her
5 about not seeing her or being able to -- that's the
6 weekend -- I'll just read it. He said although he isn't
7 with me, this wasn't a waste of a trip. He said I -- he
8 said I should take this time to try and ease my mind and
9 soak in everything he's been telling me so when he
10 actually -- when I actually go to the industry, I'll have a
11 mature frame already. So that's the LA trip that supposedly
12 the sex and the herpes was supposed to have happened.
13 Didn't happen.

14 And then on Page 11, again, that's a reiteration
15 of the -- taking the -- the pictures. And 1149, that is
16 the -- more testimony about the Stockton versus Los Angeles
17 where the sex was supposedly taking place.

18 We know from his relationship with Alexis that if
19 he is involved or interested in someone who is underaged,
20 he's not going to violate anything that's going to cause him
21 any problem. So he was -- she said that they had not had
22 any sex then, that up until then -- and if she's accurate,
23 then that skipped over to October. And we're saying it's
24 not even accurate. They developed a relationship much later
25 on.

Summation - Cannick

4540

1 I'm going play this video -- this audio. It's a
2 brief audio. But this is the audio between Jane and her
3 father and her explaining the relationship and why she did
4 what she did when she was together with Robert. And then
5 after that, I'll have a few closing comments to make, and
6 I'll speak with you in a little bit.

7 (Audio plays.)

8 THE COURT: Can you stop it just for a second? I
9 just need to see the lawyers on the side for a brief moment
10 just to make sure of something.

11 (Sidebar not taken by the court reporter.)

12 (Pause in proceedings.)

13 (Continued on the next page.)

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Summation - Cannick

4541

1 THE COURT: All right. I'm so sorry.

2 You can go ahead.

3 MR. CANNICK: Your Honor, just to be safe, maybe
4 we should just listen this just to the jury.

5 THE COURT: Jury only.

6 Do you need them to turn on their headphones?

7 (Pause in proceedings.)

8 THE COURT: Okay. You know what? Go ahead and
9 play it. We'll take care of it up here. Go ahead and play
10 it. We'll put it on mute here.

11 (Audio plays.)

12 THE COURT: Turn it up.

13 MS. GEDDES: Your Honor, sidebar?

14 THE COURT: Sure. Do you want to come to sidebar
15 or...

16 (Continued on the next page.)

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Sidebar Conference

4542

1 (The following occurred at sidebar.)

2 MS. GEDDES: My concern is that there's a very
3 small part of this that is in evidence. There's a tiny
4 snippet that was played. It looks like this video is much
5 longer?

6 MR. CANNICK: No. The entire video -- the entire
7 audio was played.

8 MS. GEDDES: Oh, if you're just playing what was
9 in played court --

10 MR. CANNICK: Yeah.

11 MS. GEDDES: -- that's fine.

12 MR. CANNICK: Yeah.

13 MS. GEDDES: I just remember it being very short.

14 MR. CANNICK: No. The entire language was played.

15 THE COURT: I don't know. I don't recall.

16 MR. CANNICK: And Your Honor, just --

17 THE COURT: I didn't hear it.

18 MR. CANNICK: And also as I was sitting here now,
19 you know, as I was playing it back in my head, I don't think
20 that there's any other name mentioned, because she doesn't
21 mention anyone else. It was just a conversation between her
22 and her dad.

23 THE COURT: All right. I mean, but then
24 unfortunately, including last night, there was mention of --
25 it just happened repeatedly throughout the trial. And I'm

Sidebar Conference

4543

1 not subscribing any bad motives on anybody's part, but I
2 don't want it to happen anymore.

3 So if you're positive, we can play it.

4 MR. CANNICK: All right. Well, I'm 99 percent.

5 THE COURT: All right.

6 (Side bar ends; in open court.)

7 (Continued on the next page.)

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Summation - Cannick

4544

1 (Audio played.) (Audio stopped.)

2 MR. CANNICK: That tape, again, was made when
3 Mr. Kelly had been incarcerated on the charges and Jane is
4 seated right next to her father. She went on and I think you
5 have the prior testimony, what she said at the end about her
6 state of mind and how everything was fine and that she knew
7 what she was doing and it was Robert who was encouraging her
8 to be in touch with her family.

9 Ladies and gentlemen, I don't want to wear you out.
10 I just want to point your attention to a few things that when
11 you do go into deliberations, you take into consideration.

12 There is also a letter that Jane wrote again while
13 Robert was in jail and she wrote that letter to her brother
14 and that letter is in evidence and, basically, everything that
15 she told the agents when she was interviewed by the agents is
16 the exact same thing that she's telling her brother about
17 herself and her parents and what she's speaking to is things
18 about the relationship, how well the relationship was and how
19 much her parents tried to capitalize on her relationship and
20 put out this bad message out there.

21 The parents -- after the parents got together with
22 other parents, another lady, Cheryl Mack, that treatment that
23 Cheryl Mack spoke of that she said she put online, that was
24 the undoing of Robert Kelly. Cheryl Mack. Disgruntled Cheryl
25 Mack.

1 Cheryl Mack who told you that, well, she was such a
2 big person and Devyne Stevens's operation but when you read
3 Devyne Stevens's testimony, when you hear that testimony back,
4 you'll learn, you'll remember that Devyne Stevens said the
5 only thing that Mack did for his operation was manage his
6 calendar, nothing to do with someone like Robert Kelly. She
7 handled his calendar as to where Stevens was to be. That's
8 it.

9 Then she eventually got a job with Robert and Robert
10 basically had her there for a number of years. And then she
11 told you about a situation where she signed an affidavit and
12 didn't know what she was signing. Nonsense. Nonsense. She
13 was in the business for a long time. She was the one who was
14 selling the narrative. She was the person who initiated the
15 narrative. So she's not going to come here and tell you,
16 Well, you know what, he was a good man, a fair man. She was
17 the one who put the narrative out there and I asked her about
18 the narrative.

19 I said: Did you embellish it? Yes. You did it
20 because you wanted it to be juicy and salacious? Yes. So it
21 could sell? Yes. So that's why we are here. That's why we
22 are here.

23 And the brother letter, again, Robert's in jail. It
24 has nothing to do with this letter. It has nothing to do with
25 dictating the letter. The letter has the same components that

Summation - Cannick

4546

1 she told the agents. And she described how beautiful her life
2 was and what her parents were trying to do to take it away.

3 Now, the letter was also found in the house where
4 she was. So you can't say she didn't author the letter. She
5 recognized the letter here when she was on the witness stand
6 and said she wrote the letter. In fact, she read the letter
7 to you. I made her read the letter.

8 So she wrote the letter and she also wrote another
9 letter. I think the letter came after she recited a poem
10 about Bambi and then she went on and talked about how her like
11 was with Robert and she laid around happily waiting and he
12 would bring in \$50,000 or \$5,000, I don't know the number, but
13 a tremendous amount, and food from, food from, it was a
14 seafood place and he would spread it out and she was taking
15 about all those happy times. When she got here in front of
16 you, no happy times, no happy times. He beat her up. He
17 smacked her. He did this, did that, made her get involved in
18 threesomes.

19 People do what they want to do. These people were
20 allowed -- well, not allowed. They went home. He gave them
21 tons of money. She had an Uber account. She had drivers.
22 She had everything.

23 So, ladies and gentlemen, I'm going to take my seat
24 in a few minutes and what I do want you to remember, please,
25 if I said anything to offend, don't take it out on Robert. I

Summation - Cannick

4547

1 certainly did not mean to offend. When I said that people
2 came and told you a lie, I said that because they did. Maybe
3 there's another way that you want me to say it but I said it
4 the best way I know how.

5 Whatever you feel about me, don't take it out on
6 him. And even with Robert, you're not here to make a decision
7 in terms of whether or not you like him or don't like him,
8 like his lifestyle, don't like his lifestyle, like his sex,
9 don't like his sex. You're here to see whether or not they
10 proved the evidence beyond a reasonable doubt, credible
11 evidence, not evidence where they're trying to get you to say,
12 well, you know what happened, you know what happened. No, you
13 don't know what happened. You don't know what happened. You
14 only know what the evidence tells you and what you see from
15 the evidence, what you learned from the evidence. You can
16 make inferences but you can't assume that just because someone
17 knows the layout of a room, that the person got raped there.
18 No.

19 So, again, be strong. Be courageous. Be very
20 courageous. Stick to your guns unless someone convinces you
21 otherwise with credible and logical, common sense evidence.
22 Be fair. You just need your sense of fairness and courage.

23 Thank you for your time.

24 THE COURT: Thank you, Mr. Cannick.

25 I think we'll go ahead or at least get started with

Summation - rebuttal - Shihata

4548

1 the government's rebuttal summation and we'll continue some of
2 that tomorrow but if you're ready, Ms. Shihata, go right
3 ahead.

4 MS. SHIHATA: Thank you.

5 Good afternoon.

6 Can you hear me now? Okay.

7 Now, to hear defense counsel tell it, all the
8 evidence you have heard these past six weeks, all the
9 testimony and all the exhibits my colleague Ms. Geddes went
10 through in painstaking detail yesterday and this morning, all
11 of that amounts to nothing much at all. We haven't proven any
12 actual crimes here, he says. There's no enterprise,
13 Mr. Cannick tells us. And even if there were, the defendant
14 didn't use it to do anything illegal.

15 I guess that's the exhibit that you saw --

16 THE COURT: Ms. Shihata, I am so sorry, but we're
17 only getting little bits and pieces. It's like singing in the
18 rain.

19 MS. SHIHATA: I'm sorry.

20 As I was saying, according to Mr. Cannick, we have
21 not proven any crimes to you and there's no enterprise and
22 even if there was, the defendant didn't use it to do anything
23 illegal.

24 You've heard this refrain throughout Mr. Cannick's
25 closing argument and throughout his cross-examination and

Summation - rebuttal - Shihata

4549

1 throughout this trial, that he, his client, Mr. Kelly, is a
2 musical genius, a legend, to use his words, with women banging
3 down his door to sleep with him. You heard that from
4 Mr. Cannick today. He doesn't need to sexually abuse or
5 physically assault anyone. That's the argument. These women
6 wanted to be with him.

7 And not just that, ladies and gentlemen. According
8 to defense counsel, he treated them well. I think the quote
9 from Mr. Cannick this afternoon was he was "a man who treated
10 them like gold." He took them shopping, opened doors for
11 them, stood up when they entered a room. A real gentleman, he
12 was.

13 And all that testimony and evidence you saw during
14 the past six weeks apparently doesn't matter, that's what
15 their argument boils down to, that and just about every single
16 person you saw during this trial except maybe Diana Copeland
17 was lying.

18 Now, the Judge will instruct you on this. The
19 defense does not have any burden at all. The burden of proof
20 rests solely with the government and we welcome that burden,
21 but that does not mean you have to take defense counsel's
22 arguments, innuendo, speculation and theories at face value.
23 You can and you should assess them using your common sense and
24 by referring to the actual evidence in this case and there is
25 plenty of it.

Summation - rebuttal - Shihata

4550

1 As the Judge will instruct you, the evidence isn't
2 the arguments made by defense counsel or me and my colleagues.
3 It's not the questions lawyers ask throughout the trial or the
4 objections we all made. It's the testimony you heard from the
5 witnesses who got up on that witness stand, the victims like
6 Stephanie, Sonja, Jerhonda, Jane, Faith, and others who
7 relived some of the worst periods of their lives for you. It
8 wasn't easy but they took an oath and they told you publicly
9 about their experiences with the defendant. And whether the
10 defendant likes or not, testimony under oath from victims is
11 evidence, powerful evidence of the defendant's guilt.

12 You also heard from the defendant's former employees
13 who told you about the enterprise, about that inner circle,
14 and how it enabled him and what it was like working for him,
15 the rules in place, the tasks they were given, the fines they
16 received if they stepped out of line, the letters they had to
17 write.

18 You heard from experts like Dr. Hoskins who
19 explained herpes, how dangerous it is, how it's diagnosed and
20 treated, and Dr. Hughes, the forensic psychologist, who
21 testified about techniques used by predators like the
22 defendant to control their victims.

23 You also heard from Dr. McGrath, the defendant's
24 personal doctor for over 25 years who told you in no uncertain
25 terms that he had diagnosed the defendant with herpes. There

Summation - rebuttal - Shihata

4551

1 was no doubt in his mind about that.

2 Now, you can convict the defendant based on the
3 witness testimony alone, ladies and gentlemen, but here there
4 is so much more than that. We put hundreds of exhibits into
5 evidence. Ms. Geddes went through some of them and you'll
6 have access to all of them, the telephone records, birth
7 certificates and other official records, text messages,
8 contemporaneous text messages that you can look at and see
9 what was going on, DNA evidence, medical records, prescription
10 records, travel records, phone message slips that the
11 defendant saved for years in that storage facility,
12 handwritten letters and other evidence seized from the
13 defendant's home and that storage facility, again,
14 photographs, Facebook records and, finally, those searing
15 audio and video recordings where you heard the defendant in
16 his own words and saw the defendant with your own eyes
17 threatening women, hitting them, humiliating them, directing
18 them to engage in sex with others, positioning their bodies,
19 grabbing a girlfriend by the hair on the back of her head and
20 pushing and pulling her head back and forth on Alex's penis.
21 That's not treating women like gold.

22 These are images that the defendant desperately
23 wants you to forget but which I'm pretty sure you never will.

24 All of that combined is devastating evidence of the
25 defendant's guilt, but defense counsel doesn't want you to

Summation - rebuttal - Shihata

4552

1 focus on any of that. They'd rather talk about twerking and
2 so-called groupies or stalkers, scheming parents, anything to
3 shift accountability and responsibility from the defendant.

4 Let's not mince words here. You know what the
5 defense is trying to insinuate. They're not trying very hard
6 to hide it. It's as if we took a time machine back to a
7 courthouse in 1950. What they're basically arguing is that
8 all of these women and girls were asking for it and they
9 deserved what they got. Never mind that many of them were
10 teenagers, too young to consent to anything sexual with the
11 defendant.

12 And you heard from Mr. Cannick this afternoon and
13 you also heard it in his cross-examinations, remember those
14 questions to Anna and others about how the defendant spent
15 money on these women, took them to dinner sometimes? The
16 arguments you heard today about lavish spending on his
17 girlfriends or how they lied to him about an ex-boyfriend or
18 going on Snapchat or whatever, what is that supposed to prove?
19 That it makes smacking, hitting, humiliating and demeaning
20 them okay? That these so-called groupies and gold diggers
21 deserved it?

22 It's not just absurd. It's shameful. It's a tactic
23 to distract you, to take your attention away from the real
24 facts and evidence in this case, but it's your duty and your
25 responsibility as jurors to keep your eyes on the ball, the

Summation - rebuttal - Shihata

4553

1 evidence against the defendant.

2 You heard and saw it yourselves day after day after
3 day, week after week after week. Ms. Geddes went through it
4 very thoroughly yesterday and today so I'm not going to waste
5 your time and do that all over again, but I am going to
6 address some of the arguments defense counsel has made today
7 and throughout this trial.

8 Now, there was a lot he said today and there weren't
9 a lot of page citations that went with it and so I hope you
10 all, I know you all have been listening extremely carefully to
11 the evidence and taking notes but, again, you are going to
12 have access to everything, to all the transcripts, to all the
13 exhibits and if you're confused about something, ask for it,
14 ask for it, because when you do, you will see that much of
15 what Mr. Cannick said is not in the record, is not true.

16 Now, one of the things he said today was about Jane
17 and how she didn't even have sex with the defendant until
18 October 2015. Go back to the testimony, ladies and gentlemen.
19 That is not what the record shows. That is not what her
20 testimony was.

21 Jane flew to Los Angeles. And, by the way, you know
22 she flew there. There's the travel record. There's the
23 boarding pass. Just because the defendant didn't have a show
24 in Los Angeles does not mean he wasn't there. You know that
25 because the very text message they rely on where she's talking

Summation - rebuttal - Shihata

4554

1 about -- let me find it here.

2 One moment. Sorry. There's not much space on here
3 that I can see.

4 The very text message that she sends her mother that
5 Mr. Cannick was talking to you about, she sends that when she
6 is in LA on April 29, 2015, and she says: He has me in
7 sweats. Does that suggest that she's not with him or does
8 that suggest that she is?

9 And you know that they go to Stockton and you can
10 look at the travel records, you will have access to them,
11 shortly thereafter and you know from her testimony that they
12 had sex there. That's in May, not in October.

13 And in fact, a whole set of racketeering charges,
14 Racketeering Act 8, is based on his having sex, sexual
15 intercourse with Jane during that time period and failing to
16 disclose to her that he had herpes and he's having sex with
17 her unprotected and he never told her.

18 And I don't really understand this argument that he
19 is making that all the women that were in long-term
20 relationships with him never got herpes. What is he trying to
21 suggest there, that he doesn't have herpes? There is
22 literally no, there shouldn't be any dispute about that
23 because you heard from his personal doctor for over 25 years,
24 a man that I submit was very friendly with the defendant. He
25 never even charged him a dime for over 25 years for his

Summation - rebuttal - Shihata

4555

1 services. And he told you that there was no doubt in my mind,
2 in his mind, not only that he had diagnosed the defendant with
3 herpes, but that he had told him that and that he had told him
4 and warned him that he needed to inform the sexual partners
5 and that he should be using a condom.

6 And Jane is one of those people that had, that was
7 intimate with the defendant over a period of years and she,
8 she got herpes. You saw the medical records. Don't let them
9 gaslight you. And by the way, those medical records say she
10 had the same partner, one partner, singular, since the time
11 she started seeing the defendant.

12 Now, the other part of what the defendant has done
13 in these closing arguments is to defend against a case we
14 literally did not bring. These strawman arguments. This
15 stuff about you never heard about women in chains. Nobody
16 ever told you that there were women in chains. That has never
17 been the evidence that we're presenting to you.

18 With the exception of the racketeering act involving
19 Sonja which we'll talk about later, this case is not about
20 locks on doors either. Instead, and this is most relevant to
21 the forced labor charges, particularly for Jane, and to just
22 the means and methods of how this enterprise operated, what
23 you heard about from witness after witness during this trial
24 was a process of indoctrination, grooming, isolation,
25 intimidation and, yes, confinement but that doesn't mean a

Summation - rebuttal - Shihata

4556

1 locked door. It doesn't mean that someone could never go
2 anywhere. As you heard from Dr. Hughes, it's a process. It's
3 not an event. And he used that process to exert control over
4 his victims.

5 And, again, the defendant would have you look at
6 each piece of evidence in isolation, but that's not how you go
7 about your daily lives and I submit it's not how you should go
8 about your deliberations here. Look at the totality of the
9 evidence. Look at how it all fits together.

10 It's not about whether it's a crime to have to ask
11 for permission to go to the bathroom. That's not what this
12 case is about.

13 (Continued on next page.)

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Rebuttal - Shihata

4557

1 (Continuing.)

2 MS. SHIHATA: That is one example of the coercive
3 measures of control that the defendant used.

4 And by the way, there is no dispute. You heard it
5 from witness after witness that worked for the defendant, what
6 did they have to do when they got a request from one of the
7 female guests or girlfriends? Check with the defendant. That
8 included going to the bathroom. That included things like
9 getting food.

10 Does that mean they were starving? No, but it means
11 he controlled everything.

12 And those personal assistants were not there to wait
13 hand-and foot on his girlfriends. They answered to him, not
14 them.

15 Now, I want to talk a little bit about Diana
16 Copeland because Mr. Cannick spent some time on her. And I
17 think he argued that her testimony is, basically, proof that
18 the defendant didn't abuse anyone and that the rules, whatever
19 rules there were in place, were really about safety and
20 security. And, again, that he was a real gentleman.

21 I submit to you, ladies and gentlemen, that one
22 thing that's crystal clear from Diana Copeland's testimony is
23 that she's still apparently living in the defendant's twilight
24 zone, as Anthony Navarro put it. I mean think about it, she
25 told you about the last time she saw the defendant before this

Rebuttal - Shihata

4558

1 trial, when he summoned her to his residence at the Trump
2 Towers and had Jane tell her to strip and put a robe on so
3 that the defendant could make sure she wasn't wearing a wire,
4 a recording device. That's at the transcript 3195. And then
5 he had her write a letter, which she initially tried to tell
6 you was nothing but truthful. And you saw the actual letter
7 he made Diana write because the defendant kept it at his
8 apartment in Trump Towers, and the Government searched that
9 apartment the day of his arrest and found it. And it was
10 Government Exhibit 301.

11 And when my colleague asked her about it, it took
12 several questions because Diana, even at this trial, was doing
13 her darndest to stay loyal to the defendant. But she openly
14 admitted that it wasn't true when she wrote in that letter
15 that the defendant had "never verbally, physically or mentally
16 abused anybody." And she knew it wasn't true because he had
17 verbally abused her multiple times, to the point of leaving
18 her in tears and to the point where she even quit at certain
19 times. She told you that at the transcript 3197 to 98. And
20 she also told you that wasn't the first time the defendant had
21 her write falsehoods in a letter. No. Previously, the
22 defendant directed her to write a letter falsely admitting
23 that she stole something from him. That's at the transcript
24 at 3199.

25 And she told you it wasn't just her, but the

Rebuttal - Shihata

4559

1 defendant also made other employees write those letters. And
2 she told you the defendant explained to her why, "to make sure
3 that no one was going to do something against him." That's at
4 3198 in the transcript. And that his attorneys told him to do
5 that.

6 And you've heard that from others, not just
7 employees like Diana, but others like Faith and Jane. And
8 yet, according to Diana on cross-examination, everything was
9 hunky-dory, nothing to see here. Nothing criminal going on
10 with the defendant. Her boss, checking her for a wire and
11 making her write a false letter for his protection, just
12 another regular, normal day for Diana Copeland in the twilight
13 zone.

14 And by the way, if you're not doing anything
15 illegal, why are you telling people to strip to make sure
16 they're not wearing a wire?

17 And you know that wasn't the first or only time the
18 defendant made someone do something like that. You heard from
19 Anna about a time that her mom came to visit her in Chicago.
20 And she told you that the defendant was uncomfortable with
21 Anna's mom being there, and that he made her leave her phone
22 at the front and write a letter containing falsehoods that
23 could be used to blackmail her. And where did he make her do
24 that? In the sauna. That's at transcript 2879. Again, no
25 clothes, no wire, no recording device.

Rebuttal - Shihata

4560

1 And who did that letter go to? Diana Copeland.

2 Just another day in the twilight zone.

3 How else do you know that Diana's still living in
4 that twilight zone? Some of those post hoc rationalizations
5 you heard from her on cross-examination, some of which were
6 nothing short of preposterous.

7 Now, he brought this up, so I am going to bring it
8 up too. Remember that questioning about the bathroom on the
9 tour bus and Jane had told you earlier in the trial that one
10 of the things she had to do was knock to leave the bathroom in
11 there. It doesn't mean she spent hours on end in there, it
12 just means that was one thing she was told to do.

13 And you saw the defendant ask Diana Copeland about
14 that, and I think he tried to ask some others but maybe didn't
15 get the answer he wanted, but from Diana Copeland, she tells
16 you, and he brought this up today, that something about the
17 bathroom being right across from the microwave and as if
18 that's some type of revelation that explains everything.
19 Because something is getting heated up in a microwave, that's
20 why it's a rule that you have to knock before leaving the
21 bathroom? Really?

22 It's not some caldron on a hot flame boiling over
23 and bubbling over. It's not even an open range stovetop, it's
24 a microwave, with a door. You know, to keep things from
25 boiling over and spilling.

Rebuttal - Shihata

4561

1 And then there was Diana's testimony about runners
2 putting up their rearview mirror when driving the girlfriends
3 and female guests around. And you heard that from a number of
4 witnesses, a number of those runners testified at this trial
5 about that. But she claimed there was nothing strange about
6 that and she was totally fine with it. And she said that was
7 because she appreciated not having to have eye contact or
8 conversation with the driver. Really? Is that really
9 necessary if you don't want to talk to the driver?

10 I'm sure you've all taken taxis and Ubers, and when
11 you don't want to talk to the driver, do you reach out and put
12 the rearview mirror up? No, of course not, you just don't
13 talk to the driver.

14 And, again, no one is saying putting the rearview
15 mirror up is a crime. This is just further evidence of the
16 lengths the defendant went to, to maintain control over Jane
17 and others.

18 The defense -- defense counsel also talked about
19 women leaving and coming back and choices. And he would have
20 you believe that because some of the defendant's girlfriends,
21 like Anna, left and came back, that there was no abuse. But,
22 ladies and gentlemen, there's nothing surprising about that.
23 It's a tale as old as time. You may have seen it in your own
24 lives with your own friends and family members. Sometimes
25 people stay in abusive relationships. Sometimes they go back.

Rebuttal - Shihata

4562

1 That doesn't mean there is no abuse.

2 And you also heard that -- about that in
3 Dr. Hughes's testimony. And Anna testified about that, quite
4 compellingly I submit. And she told you things weren't always
5 bad with the defendant, and many of the witnesses told you he
6 had two sides.

7 Here is the testimony from Anna.

8 Question: Why would you go back to the defendant?

9 Answer: It was, you know, in a relationship, habit,
10 and, you know, like I said, feelings too, even though
11 sometimes, times were hard. It was still hard to leave
12 because at the time it's, you know, you're -- I love him, I
13 loved him, so it was, you know, feelings, and that would bring
14 you back. You know, just like people today, there are still
15 people out there that have similar issues like that and they
16 go back. They leave, they come back.

17 And then there was a question from the Court, the
18 question is: Did you hope that things would change if you
19 went back?

20 And she answered: Yeah, because when I would come
21 back, things would be great, you know. He would be a little
22 more lenient, cool and laid back. Just like in the beginning,
23 you know. And then eventually, the longer time goes on, the
24 rules and stuff kicked back in.

25 Nobody is denying that the defendant sometimes did

Rebuttal - Shihata

4563

1 nice things for Anna and others. That's how he got them in.
2 That's how he lured them in. But like she said, eventually
3 the longer time goes on, the rules and stuff kicked back in.
4 And that's transcript 3016 to 17.

5 Now, defense counsel also spent a lot of time
6 talking about Sonja, and I think he said something about
7 because she knew the layout, that's not evidence of rape.
8 Well, the evidence of what happened to Sonja is Sonja's under
9 oath testimony about what happened to Sonja. That is
10 evidence. And I submit to you that she testified credibly and
11 believably, and she told you she hasn't spoken publicly about
12 this before. You were the first people to hear it publicly,
13 and her testimony is also backed up by the stipulations from
14 her friends Charity and Jerie. And if you look at those
15 stipulations, you'll see that they hadn't spoken to her in
16 years. It's not like they concocted this story recently all
17 together for some unknown reason.

18 But the reason my colleague, Ms. Geddes, spent some
19 time on the layout is because it's proof that she was there
20 and it's proof that something horrible happened to her
21 because, I don't know about you guys, but I don't remember the
22 layout of someplace I went, you know, in 2003, unless I had a
23 reason to remember it. Unless there's something horrible that
24 happened to me. And she didn't just remember it, she had it
25 down to a T. And you look at the transcript, you will see

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1 that she was asked, was she ever shown by the Government any
2 floor plans? The ones you saw, she never saw them. That's
3 not something she could have matched her testimony up with,
4 because she never saw them.

5 THE COURT: Ms. Shihata, whenever you can find a
6 good time to pause, we will break for the day.

7 MS. SHIHATA: We can pause now.

8 THE COURT: All right.

9 All right, ladies and gentlemen, we are going to
10 finish for the day. We will conclude the closing arguments
11 tomorrow, and then I will give you my charge on the law. It
12 is a little bit long, but we'll be sure to take a break, if
13 necessary.

14 Please, don't talk about the case at all. We are in
15 the home stretch. Don't listen to any news accounts or look
16 anything up on the internet at all, but I do hope you have a
17 nice restful evening, and I will see you tomorrow.

18 Thanks so much.

19 THE COURTROOM DEPUTY: All rise.

20 (Jury exits.)

21 THE COURT: All right, everybody can have a seat.

22 Anything before we close for the day from either
23 side?

24 MS. GEDDES: Just one additional request regarding
25 jury instructions.

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1 THE COURT: Yes.

2 MS. GEDDES: And this could be in there and I missed
3 it, but I did check again.

4 And in light of defense counsel's arguments
5 regarding Juice and Dominique, we would request that Your
6 Honor also include an equally available witness charge.

7 THE COURT: I believe it's in there.

8 MS. GEDDES: Is it? I just didn't see it. I'll
9 check again.

10 THE COURT: It's such a concise charge. No, it is
11 there. Yes, I'm quite certain it's there.

12 MS. GEDDES: Great, thank you.

13 THE COURT: But if it isn't, we'll double check for
14 sure.

15 MS. GEDDES: Okay.

16 THE COURT: And, of course, if there is something
17 that occurs to you over the evening, you can certainly send me
18 the request, but I think our plan is to just make sure that
19 we've got everything in there and to get that out to you
20 tonight.

21 And, obviously, as I said before, the reason I
22 provide it is so that you can let me know if I've left
23 anything out or if there is something about which you
24 disagree. But, as I say, I don't think there is anything
25 that's changed since everybody signed off on the charge

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1 before.

2 All right, anything else that anybody wants to
3 raise?

4 All right, thanks so much. Have a good night.

5 (Judge ANN M. DONNELLY exited the courtroom.)

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8 (Matter adjourned to Friday, September 24, 2021 at
9 9:30 a.m.)

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